

**ELIZABETH II**



**1978 CHAPTER xxi**

An Act to empower the British Railways Board to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Board; and for other purposes.  
[14th December 1978]

**W**HEREAS 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 period now limited for the compulsory acquisition of certain lands should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Board as therein 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 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 Act 1978.
- Interpretation.      2.—(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—
- 1839 c. 45.      “ the Act of 1839 ” means the Highway (Railway Crossings) Act 1839;
- 1845 c. 20.      “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845;
- 1863 c. 92.      “ the Act of 1863 ” means the Railways Clauses Act 1863;

	PART I
	—cont.
“ 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 Act of 1971 ” means the British Railways Act 1971;	1971 c. xlv.
“ the (No. 2) Act of 1975 ” means the British Railways (No. 2) Act 1975;	1975 c. xxix.
“ the Act of 1976 ” means the British Railways Act 1976;	1976 c. xxv.
“ 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.
“ traffic sign ” has the meaning assigned to it by section 54 of the Road Traffic Regulation Act 1967;	1967 c. 76.
“ the tribunal ” means the Lands Tribunal;	
“ the works ” means the works authorised by Part II (Works) of this Act.	

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

(3) All areas, directions, 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 area, direction, distance and length, distances between points on a railway shall be taken to be measured along the railway and in respect of Works Nos. 4A and 4B distances between points on the stream known as Nantpont-y-sanau shall be taken to be measured along the stream.

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

3. The following Act and Parts 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:—

Incorporation  
of general  
Acts.

The Act of 1845, except sections 7, 8, 9, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway), except sections 13 to 19 thereof, and Part II (relating to extension of time) of the Act of 1863:

PART I  
—cont.

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, Works Nos. 2, 4A and 4B shall be deemed to be railways 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 and maintainable by the Board immediately before the appointed day referred to in the said section 116.

Application  
of Part I of  
Compulsory  
Purchase  
Act 1965.

1965 c. 56.

1946 c. 49.

4.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4 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.

(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”.

1845 c. 18.

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

PART II  
WORKS

5.—(1) Subject to the provisions of this Act, the Board may, on <sup>Power to</sup> lands in the ownership of or to be made available to the Board <sup>make works.</sup> and 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:—

In the counties of Gwynedd and Clwyd—

Work No. 1 A railway (3,060 metres in length), being a <sup>(Deviation</sup> deviation of the Chester and Holyhead railway, <sup>railway at</sup> commencing at Mochdre in the community of <sup>Colwyn Bay.)</sup> Llandudno in the borough of Aberconwy by a junction with the said railway at a point 294 metres south-west of the bridge carrying Station Road over the said railway and terminating in the borough of Colwyn by a junction with the said railway at a point 3 metres north-west of the north-western abutment of the bridge carrying the said railway over Marine Road.

(2) 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:—

In the county of Gwynedd—

Work No. 2 A new road at Llandudno Junction in the <sup>(Access road</sup> community of Conwy in the borough of Aberconwy <sup>and bridge at</sup> commencing by a junction with Conwy Road (A.55) <sup>Llandudno</sup> at a point 18 metres north-west of the access road to <sup>Junction.)</sup> the premises of Premier Metal Works (Llandudno Junction) Limited and terminating at a point 252 metres west of the railway between Llandudno Junction and Blaenau Ffestiniog at ordnance survey National Grid reference point SH 8000: 7741 and including a bridge over the said railway:

In the metropolitan county of West Yorkshire—

Work No. 3 A railway (945 metres in length) in the parish <sup>(Railway at</sup> of Crofton in the city of Wakefield commencing by a <sup>Crofton.)</sup> junction with the railway between Wakefield and Hare Park Junction at the north-western abutment of the bridge carrying that railway over Shay Lane (B.6378) and terminating by a junction with the Wakefield, Pontefract and Goole railway at a point 28 metres south-west of the southern abutment of the bridge carrying that railway over Doncaster Road (A.638):

PART II  
—cont.

In the county of Mid Glamorgan—

In the borough of Ogwr—

(Railway at  
Bridgend.)

Work No. 4 A railway (1,970 metres in length) in the communities of Ewenny, Bridgend and Coychurch Lower commencing by a junction with the Vale of Glamorgan railway at a point 255 metres south-west of the southern abutment of the bridge carrying the said railway over the A.48 road and terminating at a point on the north-eastern boundary of the said road 489 metres south-east of the southern abutment of the bridge carrying the said road over the afon Ewenni;

(Divisions of  
watercourse  
at Bridgend.)

Work No. 4A A cut (41 metres in length) in the communities of Coychurch Lower and Ewenny being a diversion of the stream known as Nantpont-y-sanau, commencing at a point 43 metres south-west of the culvert carrying the said stream under the A.48 road and terminating at a point 99 metres west of the said culvert;

Work No. 4B A cut (76 metres in length) in the communities of Coychurch Lower and Ewenny being a further diversion of the stream known as Nantpont-y-sanau, commencing at a point 190 metres west of the culvert carrying the said stream under the A.48 road and terminating at a point 273 metres west of the said culvert.

(3) As from the completion of Works Nos. 4A and 4B the Board may fill in so much of the existing watercourse shown on the deposited plans as lies between the points marked "A", "B" and "C" and "D", "E" and "F" and as will be rendered unnecessary by the said works.

(4) The Board shall in constructing Work No. 4 construct the bridge over the afon Ewenni with clear spans over the separate existing concreted channels and a minimum soffit level of 11.6 metres above Ordnance Datum or a single span over the earth channel of 18.9 metres normal to the channel and a minimum soffit level of 11.6 metres above Ordnance Datum.

Stopping up  
footpaths.

6.—(1) Subject to the provisions of this Act, the Board may stop up and discontinue the footpath and portion of footpath hereinafter mentioned:—

(a) In the county of Lancashire—

In the borough of Blackburn—

the footpath leading from Nancy Street to Kay Street, Darwen, and situate wholly within the boundaries of their property, including so much of the said footpath as crosses the railway between Darwen and Entwistle stations by means of a footbridge:

(b) In the county of Surrey—

In the district of Mole Valley—

so much of the footpath leading from Woodfield Road to Barnett Wood Lane, Ashtead, as lies within the boundaries of their property at Ashtead station, including so much thereof as crosses the railway by means of a footbridge.

(2) Subject to the provisions of this Act, the Board may, in the line or situation and according to the level shown on the deposited plans and sections, stop up and discontinue so much of the footpath in the community of Ewenny which runs in a westerly direction from the A.48 road along the north bank of the afon Ewenni as lies between the points marked “H” and “J” on the deposited plans and substitute therefor a new footpath between the said points crossing the railway on the level.

(3) After the stopping up under the provisions of paragraphs (a) and (b) of subsection (1) and subsection (2) of this section has taken place, all rights of way over and along the footpath and portions of footpath authorised to be stopped up shall be extinguished and the Board may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, appropriate without making any payment therefor and use for the purposes of their undertaking the site of the footpath and portions of footpath so stopped up.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

7.—(1) Subject to the provisions of this section, of the Act of 1845 and of Part I (relating to construction of a railway) of the Act of 1863 with respect to the crossing of roads on the level the Board may in the construction of Work No. 4 carry the same by not more than two lines of railway across and on the level of the A.48 road, being the land numbered on the deposited plans 39 in the community of Ewenny in the borough of Ogwr. Power to cross A.48 road on the level.

(2) The Board shall not be required to erect or maintain a lodge at the level crossing authorised by subsection (1) of this section (hereafter in this section referred to as “the level crossing”).

(3) The Board may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such requirements as the Secretary of State may from time to time lay down, provide at or near the level crossing and maintain and operate so long as the consent continues in force such barriers, lights, traffic signs and automatic or other devices and appliances as may be specified by the Secretary of State.

(4) So long as any such consent as aforesaid continues in force the provisions (in so far as they are inconsistent with any

PART II  
—cont.

such consent) of the Act of 1839, of section 47 of the Act of 1845 and of section 6 of the Act of 1863 shall cease to apply to the level crossing.

1967 c. 76.

(5) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967:

Provided that nothing in this subsection shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of any such consent.

As to Heck  
Ings level  
crossing,  
Hensall.  
1842 c. 55.

8.—(1) Notwithstanding the provisions of the Act of 1839, of section 9 of the Railway Regulation Act 1842, of section 47 of the Act of 1845 and of sections 5, 6 and 7 of the Act of 1863 or any other provision to the same or similar effect incorporated with or contained in any enactment, the provisions of subsection (2) of this section shall apply to the level crossing in the parish of Hensall in the district of Selby in the county of North Yorkshire known as Heck Ings level crossing, Hensall, whereby Little Heck Common Lane is crossed by the railway between Hensall and Snaith stations (in subsection (2) of this section referred to as “the level crossing”).

(2) The vehicular gates at the level crossing may be kept permanently closed—

- (a) across the railway from 2200 hours on a Saturday to 0600 hours on the next following Monday; and
- (b) across the road from 2000 hours to 0800 hours each night from Monday evening to Saturday morning;

and while such gates are so closed the Board shall not be required to employ proper persons to open and shut the gates at the level crossing.

As to Field  
Lane level  
crossing,  
Gowdall.

9.—(1) Notwithstanding the provisions of the Act of 1839, of section 9 of the Railway Regulation Act 1842, of section 47 of the Act of 1845 and of sections 5, 6 and 7 of the Act of 1863 or any other provision to the same or similar effect incorporated with or contained in any enactment, the provisions of subsection (2) of this section shall apply to the level crossing in the parish of Gowdall in the district of Boothferry in the county of Humberside known as Field Lane level crossing, Gowdall, whereby Field Lane is crossed by the railway between Hensall and Snaith stations (in subsection (2) of this section referred to as “the level crossing”).

(2) The vehicular gates at the level crossing may be kept permanently closed—

- (a) across the railway from 1700 hours on a Saturday to 0600 hours on the next following Monday; and
- (b) across the road from 1700 hours to 0800 hours each night from Monday evening to Saturday morning;



and while such gates are so closed the Board shall not be required to employ proper persons to open and shut the gates at the level crossing.

PART II  
—cont.

10.—(1) In this section—

As to Ryston  
level crossing.

“ the existing crossing ” means the level crossing known as Ryston crossing in the parish of Fordham in the district of West Norfolk whereby the railway crosses the existing A.10 road near the former Ryston station;

“ the new highway ” means the new public road from Brandon Creek to South Runcton (A.10) proposed to be constructed by the Secretary of State;

“ the new level crossing ” means the level crossing in the said parish of Fordham authorised by section 8 (As to level crossing at Ryston) of the Act of 1976 for carrying the railway across the new highway;

“ the railway ” means the railway between Downham station and the former Abbey station;

“ the specified date ” means the date of the passing of this Act or of the completion and opening for public use of the new level crossing, whichever is the later.

(2) As from the specified date, all rights of way over the existing crossing shall be extinguished.

(3) The provisions of the Act of 1839, of section 9 of the Railway Regulation Act 1842, of section 47 of the Act of 1845 1842 c. 55. and of sections 5, 6 and 7 of the Act of 1863 and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to the existing crossing shall cease to apply to the existing crossing.

(4) As from the specified date, the existing level crossing shall be deemed to be a work provided by the Board at the specified date pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway, and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if the existing crossing had been closed at the specified date.

(5) If any part of the road crossed by the railway at the existing crossing shall in consequence of the provisions of this section cease to be a road over which the public have a right of way for the passage of vehicles, the owners and occupiers of the lands abutting on such part shall be deemed to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said lands from and to the existing crossing.

(6) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the existing crossing shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

PART II  
—cont.  
As to certain  
level crossings.

11.—(1) As from the passing of this Act, all rights of way over the level crossing referred to in Part I of Schedule 1 to this Act shall be extinguished.

(2) As from the passing of this Act, all rights of way over the level crossings referred to in Part II of the said schedule, other than a right for all persons to use those level crossings on foot, shall be extinguished, and the Board shall provide and maintain for the convenience of such persons wicket gates or stiles on both sides of the railway at each of the said level crossings.

(3) As from the passing of this Act, all rights of way over the level crossings referred to in Part III of the said schedule, other than a right for all persons to use those level crossings as a bridleway or on foot, shall be extinguished, and the Board shall provide and maintain for the convenience of such persons gates on both sides of the railway at each of the said level crossings.

1842 c. 55.

(4) The provisions of the Act of 1839, of section 9 of the Railway Regulation Act 1842, of section 47 of the Act of 1845 and of sections 5, 6 and 7 of the Act of 1863 and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any of the level crossings referred to in the said schedule shall cease to apply to those level crossings.

(5) As from the passing of this Act, each of the level crossings referred to in the said schedule (including the gates thereof, other than the gates provided in pursuance of subsections (2) and (3) of this section) shall be deemed to be works provided by the Board at the passing of this Act pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway, and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if such level crossings had been closed at the passing of this Act.

(6) If any part of the road crossed by the railway at any of the level crossings referred to in the said schedule shall in consequence of the provisions of this section cease to be a road over which the public have a right of way for the passage of vehicles, the owners and occupiers of the lands abutting on such part shall be deemed to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said lands from and to such level crossing.

(7) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in the said schedule shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

Temporary  
stoppage of  
roads and  
footpaths.

12.—(1) The Board during and for the purpose of the execution of the works may temporarily stop up and divert and interfere

with any road or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road or footpath from passing along and using the same.

(2) The Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.

(3) The Board shall not exercise the powers of this section without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.

(4) The Board shall not exercise the powers of this section with respect to any road upon which public service vehicles are authorised by a road service licence to operate unless the Board give not less than 48 hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

(5) The exercise by the Board of the powers of this section in relation to any road or footpath shall not prejudice or affect the right of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes.

13.—(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 or district (as the case may be) 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:

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.

PART II  
—cont.

1951 c. 64.

(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.

1974 c. 40.

(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.

1976 c. 70.

(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 116 of the Land Drainage Act 1976 or forming part of a metropolitan watercourse within the meaning assigned to that expression by paragraph 1 of Schedule 5 to that Act.

(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 and 1968  
relating to  
works.

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

The Act of 1968—

Section 11 (Underpinning of houses near works):

Provided that 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 II  
—cont.

### PART III LANDS

15.—(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 Works Nos. 2, 3, 4, 4A and 4B 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 Schedule 2 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.

16.—(1) In this section—

“the Act” means the Compulsory Purchase Act 1965;

“new rights” in relation to any land means easements or other rights over such land which are not in existence at the passing of this Act.

Compulsory acquisition of rights over lands.  
1965 c. 56.

(2) The Board may, for the purpose of constructing, maintaining, altering, renewing and using Works Nos. 2, 3, 4, 4A and 4B, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 15 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Act, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsection (2) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

PART III  
—cont.

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of new rights in pursuance of subsection (2) of this section—

- (a) Part I of the Act shall have effect with the modifications specified in Schedule 2 to the Act of 1976 and as if for the references in that schedule to the Act of 1976 there were substituted references to this Act;
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Temporary  
use of  
road for  
Work No. 3.

17.—(1) In this section—

“the authorised users” means the owners of the road and any other persons authorised to use the road;

“the road” means the private road numbered on the deposited plans 3a in the parish of Crofton in the city of Wakefield in the metropolitan county of West Yorkshire.

(2) The Board may, in connection with the construction of Work No. 3, use the road as a means of access to and from the site of Work No. 3 after giving to the authorised users not less than 28 days’ previous notice in writing without being obliged or compellable to acquire any interest in the road in respect of such user:

Provided that the Board shall compensate the authorised users for any loss or damage which may result to the authorised users by reason of the exercise of the powers of this section in relation to the road.

(3) Upon ceasing to use the road under the powers of this section, the Board shall make good any damage caused to the road by reason of such user to the reasonable satisfaction of the authorised users.

(4) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

1961 c. 33.

Power to use  
certain lands.

18.—(1) In this section “the signed plan” means the plan which has been signed in triplicate by Bryant Godman Irvine, 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 in the House of Lords, one copy in the Private Bill Office of the House of Commons and one copy at the principal office of the Board.

(2) The Board may hold, use and appropriate for the purposes specified in column (3) of Schedule 3 to this Act the lands referred to in column (1) of the said schedule (being lands which the

Board own or have agreed to acquire) which lands are more particularly shown on the signed plan and thereon coloured as indicated in column (2) of the said schedule.

PART III  
—cont.

(3) Copies of or extracts from the signed plan deposited at the principal office of the Board and purporting to be certified on behalf of the Board to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the signed plan.

(4) Nothing in this section shall prejudice or affect the powers of the Board with respect to the use of lands under any enactment from time to time relating to the Board.

19. The powers of the Board for the compulsory purchase of the lands and rights over lands which they are authorised by this Act to acquire shall cease on 31st December, 1983.

20. 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):

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 rights over lands.

Incorporation of provisions of Acts of 1963, 1967 and 1969 relating to lands.

#### PART IV

##### PROTECTIVE PROVISIONS

21. 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 33 (For protection of gas, water and electricity undertakers):

The Act of 1967—

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

The Act of 1971—

Section 26 (Crown rights):

The (No. 2) Act of 1975—

Section 23 (For protection of Post Office):

The Act of 1976—

Section 17 (For protection of National Coal Board):

Incorporation of protective provisions of Acts of 1963, 1967, 1971, (No. 2) 1975 and 1976.

PART IV  
—cont.

Provided that—

- (i) the definition of “undertakers” in paragraph (1) of the said section 33 of the Act of 1963 and in paragraph (1) of the said section 45 of the Act of 1967, as so incorporated, shall be construed as including a water authority not only in their capacity as an authority authorised by an enactment to carry on an undertaking for the supply of water within their area but also in their capacity as the authority having the duties, within their area, imposed by section 10 and (except in the case of an authority to which section 23 (For protection of Welsh Water Authority) of this Act applies) by section 14 of the Water Act 1973, and paragraph (b) of the definition of “apparatus” in the said sections 33 and 45 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;
- (b) the reference in paragraph (3) thereof to section 12 (Temporary stoppage of roads and footpaths) of the Act of 1967 shall be construed as a reference to section 12 (Temporary stoppage of roads and footpaths) of this Act; and
- (c) for the reference in paragraph (4) thereof to section 17 (Use of sewers, etc., for removing water) of the Act of 1963 as incorporated by 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 13 (Use of sewers, etc., for removing water) of this Act;
- (iii) in the said section 23 of the (No. 2) Act of 1975, as so incorporated, the reference to section 7 (Further works and powers) shall be construed as a reference to subsection (2) of section 6 (Stopping up footpaths) of this Act and references to a road shall be read as references to a footpath.

For protection  
of Secretary  
of State.

22. For the protection of the Secretary of State the following provisions shall, unless otherwise agreed in writing between the Board and the Secretary of State, apply and have effect:—

(1) In this section—

“the level crossing” means the level crossing authorised by section 7 (Power to cross A.48 road on



the level) of this Act for carrying Work No. 4 across and on the level of the A.48 road;

PART IV  
—cont.

“the specified works” means the level crossing and so much of Works Nos. 4, 4A and 4B as may in any way affect the A.48 road and the culvert carrying the stream known as Nantpont-y-sanau under the A.48 road and includes any work in connection therewith:

- (2) Notwithstanding anything contained in this Act, the Board shall so construct Work No. 4 as to carry the same by a single line of railway across and on the level of the A.48 road:
- (3) Before commencing the construction of any of the specified works, the Board shall submit to the Secretary of State for his reasonable approval plans, sections and particulars relating thereto (including details of the proposed dates for the commencement of the construction of any part of the specified works and of the extent of the surface of the A.48 road which it may be reasonably necessary for the Board to occupy and break up) and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which such plans, sections and particulars relate shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the Secretary of State as aforesaid, or, if such approval be refused, as may be settled by arbitration, and any part of the construction of the specified works which may involve interference with the A.48 road or with the culvert carrying the stream known as Nantpont-y-sanau under the A.48 road shall be carried out by the Board with all reasonable dispatch and to the reasonable satisfaction of the Secretary of State:

Provided that, if within two months after the submission to him of plans, sections and particulars in accordance with the provisions of this paragraph the Secretary of State does not signify his approval or disapproval thereof and the grounds for such disapproval, he shall be deemed to have approved thereof:

- (4) The Board shall give to the Secretary of State as much prior notice as possible (but in any case not less than 21 days) of their intention to commence the construction of any part of the specified works:
- (5) In the construction of any part of the specified works the Board shall not (except with the consent of the Secretary of State which shall not be unreasonably

**PART IV**  
—cont.

withheld) alter, disturb or in any way interfere with any sewer, drain, refuge, lamp column, bollard or road materials or apparatus connected therewith and any alteration, diversion, replacement or reconstruction of any such sewer, drain, refuge, lamp column, bollard or road materials or apparatus connected therewith as aforesaid which may be reasonably necessary shall be made by the Secretary of State or the Board as the Secretary of State shall think fit, and any costs, charges and expenses reasonably incurred by the Secretary of State in so doing shall be repaid to the Secretary of State by the Board:

- (6) Where any part of the A.48 road shall have been temporarily broken up and disturbed by the Board, the Board shall make good the subsoil, foundations and surface of such part of the road to the reasonable satisfaction of the Secretary of State:
- (7) The Board shall construct the specified works in such manner as will not, so far as is reasonably practicable, interfere with or obstruct the free and uninterrupted use of the A.48 road by any traffic or pedestrians:
- (8) The Board shall, at all reasonable times during the construction of any part of the specified works, afford to the Secretary of State or his duly authorised representative access to that part of the specified works for the purposes of inspection:
- (9) The Board shall make compensation to the Secretary of State for any subsidence of, or damage to, the A.48 road or to the culvert carrying the stream known as Nantpont-y-sanau under the A.48 road or to any sewer, drain, refuge, lamp column, bollard or road materials or apparatus connected therewith which may be caused by, or in consequence of, any act or default of the Board, their contractors, servants or agents and whether such subsidence or damage shall happen during the construction of the specified works or at any time thereafter:
- (10) The Board shall keep the Secretary of State indemnified against all actions, costs, claims and demands whatsoever brought or made against the Secretary of State by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans, sections and particulars approved by the Secretary of State or in accordance with any requirement of the Secretary of

State or under his supervision shall not (if it was done without negligence on the part of the Secretary of State) excuse the Board from liability under the provisions of this section:

PART IV  
—cont.

Provided that the Secretary of State 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) Where plans, sections and particulars relating to any of the specified works have been submitted to the Secretary of State under this section, the Board shall pay to the Secretary of State, as reimbursement for the costs, charges and expenses incurred by the Secretary of State in examination of such plans, sections and particulars, a sum amounting to three quarters of one per cent. of the cost of the work to which such plans, sections and particulars relate:
- (12) Any difference arising between the Board and the Secretary of State under this section (other than a difference as to the construction thereof) shall be settled by arbitration.

23. For the protection of the Welsh Water Authority the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

For protection  
of Welsh  
Water  
Authority.

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

“the authority” means the Welsh Water Authority;

“banks” has the same meaning as in the Land Drainage Act 1976;

1976 c. 70.

“construction” includes execution, placing and altering and, in relation to temporary works, includes removal; and “construct” and “constructed” shall be construed accordingly;

“sewer” means a sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of the authority and includes any manholes, ventilating shafts, pumps or other accessories belonging to or forming part of a sewer;

1936 c. 49.

“specified work” means so much of Works Nos. 1, 2, 4, 4A and 4B or any work (whether temporary or permanent) forming part of, or constructed in connection with, those works under the

PART IV  
—cont.

powers of this Act (including the substituted footpath under subsection (2) of section 6 (Stopping up footpaths) of this Act) as will or may—

(a) interfere with or affect (either directly or indirectly) a watercourse; or

(b) be situated over or within 15 metres measured in any direction of any sewer of the authority;

and includes the maintenance or renewal of any specified work;

“ watercourse ” includes a main river and any other river and any stream, ditch, drain, cut, culvert, dyke, sluice, sewer (other than a public sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of the authority) or passage through which water flows and the banks thereof:

1936 c. 49.

- (2) (a) No specified work shall be constructed so as to diminish the width between the banks of any watercourse except with the consent in writing of the authority which consent shall not be unreasonably withheld;
- (b) In the construction and maintenance of the specified works the Board shall provide, to the reasonable satisfaction of the authority, such culverts and other drainage works as may be reasonably required for land drainage and the protection of watercourses:
- (3) The Board shall not commence any specified work until they shall have given to the authority two months' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of the authority with plans as described in paragraph (9) of this section (in this section referred to as “ the said plans ”), and until the authority shall have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and if, within two months after the submission of the said plans, the authority have not signified to the Board their approval or disapproval thereof, they shall be deemed to have approved the said plans:

- (4) The Board shall comply with and conform to all reasonable orders, directions and regulations of the authority in the execution of any specified work and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the proper protection of, and for preventing injury or impediment

to, any sewer or watercourse by reason of any specified work and shall save harmless the authority against all expenses to be occasioned thereby:

PART IV  
—cont.

- (5) (a) The specified works and all such new, altered or substituted works shall be constructed only in accordance with such plans as may be approved or be deemed to be approved by the 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 authority, and be constructed to the reasonable satisfaction of the authority who shall be given reasonable notice of the date and time on and at which any new, altered or substituted works are to be commenced;
- (b) The Board shall indemnify the authority against all costs, charges and expenses which the authority may reasonably incur or have to pay or which they may sustain in the preparation or examination of plans:
- (6) When any such new, altered or substituted works or any work of defence connected therewith shall be completed under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any sewer now or hereafter may be:
- (7) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the authority in relation to any sewer or watercourse but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (8) The authority may require the Board in constructing any specified work to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to any sewer of the authority and the Board shall in constructing such works deviate accordingly:
- (9) The plans to be submitted to the authority 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, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the authority within the limits of deviation (for which purpose the authority shall allow the Board access to plans in their possession in order to enable the Board

**PART IV**  
*cont.—*

to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any sewer:

- (10) The authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewers of the authority against interference or risk of damage and to provide and secure proper and convenient means of access to any sewer:
- (11) The Board shall indemnify the authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the authority or which the authority may incur or have to pay or which they may sustain in consequence of the construction, maintenance or renewal of a specified work or of the failure or want of repair thereof or any subsidence caused by the construction of any specified work or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants, whilst engaged upon the specified work:

Provided that—

(i) the 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 in writing of the Board; and

(ii) 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 authority or their servants or agents:

- (12) If the Board in the construction of any specified work or any new, altered or substituted work or any work of defence connected therewith provided in accordance with this section alter, damage or in any way interfere with any sewer of the authority the Board shall give to the authority 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:
- (13) Notwithstanding the temporary stopping up or diversion of any road or footpath under the powers of section 12 (Temporary stoppage of roads and footpaths) of this Act, the authority shall be at liberty at all times to execute and do all such works and things in, upon or under any such road or footpath as may be reasonably necessary or desirable to enable them to inspect, repair,

maintain, renew, remove or use any sewer which at the time of the stopping up or diversion was in that road or footpath:

PART IV  
—cont.

(14) In the exercise of the powers conferred on them by section 13 (Use of sewers, etc., for removing water) of this Act the Board shall not (without prejudice to their obligations under paragraph (2) (c) of the said section 13) damage or interfere with the bed of any watercourse (other than a main river) or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976:

1976 c. 70.

(15) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time to enter upon and inspect any specified work or any other work constructed under the powers of this section:

(16) The fact that any specified work has been executed in accordance with a plan approved or not objected to by the 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:

(17) As soon as reasonably practicable after the completion of the construction of a specified work the Board shall deliver to the authority a plan and section showing the position and level of that work as constructed and all new, altered or substituted sewers of the authority provided under this section:

(18) Any difference arising between the Board and the authority under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

24. For the protection of Norwest Construction Industrial Developments Limited (in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Board and the company, apply and have effect:—

For protection of Norwest Construction Industrial Developments Limited.

(1) In this section "the company's land" means the land of the company numbered on the deposited plans 6 and 8 in the community of Conwy in the borough of Aberconwy in the county of Gwynedd:

(2) The Board shall not under the powers of this Act enter upon, take or use compulsorily any of the company's land but they may, in accordance with the provisions of section 16 (Compulsory acquisition of rights over lands)

PART IV  
—cont.

of this Act, purchase compulsorily such easements or other rights over the company's land as they may require for the purposes of Work No. 2:

- (3) Notwithstanding anything in this Act or shown on the deposited plans and sections, the Board shall so construct Work No. 2 as to—
- (a) cross the railway between Llandudno Junction and Blaenau Ffestiniog on the level; and
  - (b) provide a carriageway with a metalled surface having a width of not less than 7.3 metres and a means of drainage of the surface:
- (4) The Board shall, before commencing Work No. 2, furnish to the company plans, sections, drawings and particulars thereof for the approval of the company and shall not commence Work No. 2 until such plans, sections, drawings and particulars shall have been approved by the company or, in the case of difference between the company and the Board, until they shall have been settled by arbitration:
- Provided that—
- (a) the approval of the company shall not be unreasonably withheld;
  - (b) if within 28 days after such plans, sections, drawings and particulars have been furnished to the company the company shall not have intimated their approval or disapproval thereof, they shall be deemed to have approved them:
- (5) The Board shall give to the company not less than 28 days' notice of their intention to commence the construction of Work No. 2 and, except in emergency (when the Board shall give such notice as may be reasonably practicable), also of their intention to carry out any works for the repair or maintenance of Work No. 2:
- (6) The construction of Work No. 2 shall be carried out with all reasonable dispatch in accordance with the approved plans, sections, drawings and particulars and to the reasonable satisfaction of the company:
- (7) The Board shall repair and maintain so much of Work No. 2 as is constructed upon, across, under or over the company's land to the reasonable satisfaction of the company until Work No. 2 becomes a highway maintainable at the public expense:



- (8) Any difference arising between the Board and the company under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART IV  
—cont.—

## PART V

### MISCELLANEOUS

#### 25.—(1) In this section—

“ the Boards ” means the British Railways Board, the British Transport Docks Board, the British Waterways Board, the London Transport Executive and, for the purposes only of any premises transferred under section 16 (2) of the Transport (London) Act 1969, the National Bus Company; Amendment of section 53 of British Transport Commission Act 1949. 1969 c. 35.

“ wholly-owned subsidiary ” has the same meaning as in section 92 of the Transport Act 1962. 1962 c. 46.

(2) Section 53 (As to appointment of constables) of the British Transport Commission Act 1949 shall in its application to England and Wales have effect as if the following provisions were substituted for the first paragraph of subsection (1) of that section:— 1949 c. xxix.

“ (1) Subject to the provisions of subsection (2) of this section any two justices may on the application of any of the Boards acting jointly or separately in pursuance of a scheme approved by the Secretary of State under section 69 of the Transport Act 1962 appoint all or so many as they think fit of the persons recommended to them for that purpose by any of the Boards acting as aforesaid to act as constables throughout England and Wales:

Provided that, except in relation to matters connected with or affecting any of the Boards or their undertakings (when he shall not be so restricted), a constable so appointed shall only act as a constable in, on and in the vicinity of the railways, harbours, docks, ships, hovercraft, inland waterways, stations, wharves, garages, hotels, works, depots and other premises or property in England and Wales now or hereafter belonging or leased to or worked by any of the Boards.

(2) The following provisions shall apply to every appointment of a constable made under subsection (1) of this section:— ”.

(3) Paragraph (b) of subsection (1) of the said section 53 shall have effect as if all the words after the word “ duties ” were omitted therefrom.

PART V  
—cont.

(4) The reference in the proviso to subsection (1) of the said section 53 as amended by this section to any of the Boards shall include reference to any wholly-owned subsidiary of any of the Boards.

(5) (a) Every person who immediately prior to the passing of this Act is by virtue of the said section 53 duly appointed to act as a constable throughout England and Wales shall be deemed to have been duly appointed to act in pursuance of the said section 53 as amended by this section.

(b) Subsection (2) of the said section 53 shall in its application to England and Wales cease to have effect.

1962 c. 46. (6) Subsections (1) to (4) of section 70 of the Transport Act 1962 shall in their application to England and Wales cease to have effect.

As to  
railway at  
Ludgershall.

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

“ the bridge ” means the bridge carrying the A.3026 road over the railway;

“ the council ” means the Wiltshire County Council;

“ the diverted road ” means any public road which is constructed by the council on the land in substitution for any part of the A.3026 road and which crosses the railway;

“ the land ” means so much of the land of the Board having an area of 3 hectares 2,600 square metres in the parish of Ludgershall in the district of Kennet in the county of Wiltshire as extends from the bridge to the north-east adjacent to the A.3026 road for 63 metres and as extends from the centre of the span of the bridge to the south-east for 35 metres, to the west for 406 metres along the southern side of part of the railway and to the north-west for 415 metres to the southern side of the road from Devizes to Andover (A.342) and includes so much of the bridge as is situate in, on or over the land;

“ the new level crossing ” means a level crossing in the said parish for carrying the railway with not more than two lines of rails across the diverted road on the level;

1873 c. cxciv. “ the railway ” means so much of the railway authorised by the Swindon, Marlborough, and Andover Railway Act 1873 and situate in the said parish of Ludgershall as extends from a point 35 metres south-east of the centre of the span of the bridge to a point 42 metres north-west of the same point on the bridge.

(2) Subject to the provisions of this section the Board and the Secretary of State may enter into and carry into effect agreements

for the transfer to and vesting in the Secretary of State of the land and the railway or any part thereof on such terms as may be agreed between the Board and the Secretary of State.

PART V  
—cont.

(3) As from the transfer to and vesting in the Secretary of State of the land and the railway or any part thereof, in pursuance of an agreement under subsection (2) of this section, all the rights and liabilities of the Board in respect of the bridge and in respect of the land and the railway or any part thereof so transferred and vested as aforesaid shall be transferred to, and become the rights and liabilities of, the Secretary of State.

(4) The Regulation of Railways Act 1871 shall continue to 1871 c. 78. apply in relation to the railway but, save that the Secretary of State shall be required to give notice of any accident pursuant to section 6 of that Act as though he were a railway company working a railway, nothing in that Act shall bind the Crown.

(5) The council and the Secretary of State may enter into and carry into effect agreements for the construction of the new level crossing.

(6) The Secretary of State may provide at or near the new level crossing and maintain and operate such barriers, lights, traffic signs and automatic or other devices and appliances as in his opinion are reasonably required to protect traffic on the diverted road from danger arising out of the operation of the railway.

(7) Any traffic sign provided at or near the new level crossing as aforesaid shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967. 1967 c. 76.

(8) The Secretary of State and the council may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing, maintaining, operating and renewing the new level crossing and with regard to any other matter relating thereto.

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

27.—(1) In this section—

“ the bridge ” means the former bridge of the Board known as Drax Swing Bridge which carried the Hull and Barnsley railway line over the river Ouse and is situate partly in the parish of Barmby on the Marsh in the district of Boothferry in the county of Humberside and partly in the parish of Long Drax in the district of Selby in the county of North Yorkshire and includes all works connected therewith belonging to or maintainable by the Board;

As to bridge  
over river  
Ouse.

PART V  
—cont.

“ the council ” means the council of the city of York ;

“ the jetty ” means the jetty and the four caissons supporting the same which formerly comprised part of the bridge and are situate on the west side of the said river.

(2) As from the passing of this Act or the transfer to and vesting in the council of the jetty, whichever is the later, all the powers and obligations of the Board in respect of the jetty shall be transferred to, and become the powers and obligations of, the council.

As to  
Wilmington  
Swing Bridge  
at Kingston  
upon Hull.

28.—(1) In this section—

“ the bridge ” means the bridge of the Board known as Wilmington Swing Bridge which formerly carried the Victoria Dock railway line over the river Hull and is situate in the city of Kingston upon Hull in the county of Humberside and includes all works connected therewith belonging to or maintainable by the Board ;

“ the council ” means the Humberside County Council.

(2) As from the passing of this Act or the transfer to and vesting in the council of the bridge, whichever is the later, all the powers and obligations of the Board in respect of the bridge shall be transferred to, and become the powers and obligations of, the council.

As to  
bascule  
bridge over  
river Cleddau  
at  
Haverfordwest.  
1855 c. xcvi.

29.—(1) Notwithstanding anything in section LXXIII (Regulating construction of viaduct across river Cleddau) of the South Wales Railway Consolidation Act 1855, the Board shall not be required to maintain an opening arch in the viaduct over the river Cleddau referred to in the said section LXXIII (which viaduct is situated in the community of Haverfordwest in the district of Preseli in the county of Dyfed).

(2) Section LXXV (Vessels not to be unnecessarily detained) of the South Wales Railway Consolidation Act 1855 shall cease to have effect.

Repeals.

30. The enactments specified in columns (1) and (2) of Schedule 4 to this Act are hereby repealed to the extent mentioned in column (3) of that schedule.

Extension of  
time.

31.—(1) The period now limited by the (No. 2) Act of 1975 for the compulsory purchase of the lands referred to in Schedule 5 to this Act is hereby extended until 31st December, 1983.

(2) In this section and in Schedule 5 to this Act the word “ lands ” includes any easements or rights in, under or over land authorised to be acquired by the (No. 2) Act of 1975.

32.—(1) In this section—

“ the enabling Act ” means the (No. 2) Act of 1975;

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act;

“ lessee ” means a lessee under a lease having a period of not less than 21 years to run at the date of his notice under subsection (2) of this section.

PART V  
—cont.

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

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition as soon as may be by the Board of his interest in any part of the land specified in the notice, the Board shall within a period of three months after the receipt of such notice—

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

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

(c) serve on him notice in writing of the Board's 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 land specified in the notice, then—

(a) if the Board—

(i) fail to comply with that subsection; or

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

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

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

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

PART V  
—cont.  
Modification  
of Town and  
Country  
Planning  
Act 1971.

**33.**—(1) 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 1977 (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 10 years after the passing of this Act.

1971 c. 78.

(2) In this section the reference to Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 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.

Arbitration.  
1965 c. 56.

**34.** 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.

Costs of Act.

**35.** 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.

## SCHEDULES

### SCHEDULE 1

Section 11.

#### LEVEL CROSSINGS REFERRED TO IN SECTION 11 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

##### PART I

In the county of Lincolnshire—

In the parish of Sibsey in the district of East Lindsey—

The level crossing known as Hurn Lane crossing whereby Hurn Lane, Sibsey, is crossed by the railway between Boston and Thorpe Culvert stations.

##### PART II

In the county of Humberside—

In the parish of Harpham in the borough of North Wolds—

The level crossing known as Harpham crossing whereby the road from Harpham to Burton Agnes is crossed by the railway between Nafferton and Bridlington stations.

In the county of North Yorkshire—

In the parish of Eggborough in the district of Selby—

The level crossing known as Eggborough Ings crossing whereby the road known as Hazel Old Lane, Hensall, is crossed by the railway between Whitley Bridge and Hensall stations.

In the metropolitan county of South Yorkshire—

In the borough of Barnsley—

The level crossing known as Worsborough Dale crossing whereby Edmunds Road, Worsborough Dale, is crossed by the railway between Wombwell main junction and West Silkstone junction.

##### PART III

In the county of Humberside—

In the parish of Snaith and Cowick in the district of Boothferry—

The level crossing known as Snaith East crossing whereby Ings Road, Snaith, is crossed by the railway between Snaith and Rawcliffe stations.

In the metropolitan county of West Yorkshire—

In the city of Wakefield—

The level crossing known as Waterfield No. 1 crossing whereby England Lane, Knottingley, is crossed by the railway between Shaftholme junction, Bentley and Knott-ingley station.

Section 15.

## SCHEDULE 2

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 15  
(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 Gwynedd— Community of Conwy in the borough of Aberconwy	1 to 4	To provide a railway depot and sidings.
In the county of North- umberland— Borough of Castle Morpeth	1	To enable part of the rail- way, Work No. 4, author- ised by the Act of 1976, to be made and maintained.

Section 18.

## SCHEDULE 3

LANDS REFERRED TO IN SECTION 18  
(POWER TO USE CERTAIN LANDS) OF THIS ACT

Description of lands (1)	Colour on signed plan (2)	Purpose for which the lands may be used (3)
In the metropolitan county of Greater Manchester—  In the borough of Bury— Land (having an area of 242 square metres) and buildings thereon lying to the south-east of Frech- ville Place and adjoining the former Bury Loop line railway	blue	To provide a cutting slope in connection with the rail- way, Work No. 4, author- ised by the British Railways Act 1975.
Land (having an area of 390 square metres) forming part of a former bowling green lying to the east of Frechville Place	blue	To provide a cutting slope in connection with the said railway.
Land (having an area of 417 square metres) ex- tending from the south- eastern boundary of Glen- more Street and adjoining the Manchester and Leeds railway	brown	To provide a means of access to and from Glenmore Street for the purpose of constructing, maintaining, altering, renewing and using the said railway.

1975 c. i.



## SCHEDULE 4

Section 30.

## REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
1855 c. xcvi	South Wales Railway Consolidation Act 1855	Section LXXV (Vessels not to be unnecessarily detained).
1949 c. xxix	British Transport Commission Act 1949	Subsection (2) of section 53 (As to appointment of constables) in its application to England and Wales.
1962 c. 46	Transport Act 1962	Subsections (1) to (4) of section 70 (Transport police constables) in their application to England and Wales.
1975 c. i	British Railways Act 1975	Subsection (6) of section 9 (As to certain level crossings).

## SCHEDULE 5

Section 31.

LANDS FOR WHICH THE PERIOD OF COMPULSORY ACQUISITION  
IS EXTENDED BY THIS ACT TO 31ST DECEMBER, 1983

The lands authorised to be acquired by section 11 (Power to acquire lands) or section 13 (Easements only to be acquired in certain lands) of the (No. 2) Act of 1975—

- (1) for the purposes of Works Nos. 1, 2 and 3 authorised by Part II (Works) of the said Act;
- (2) numbered, on the plans deposited in respect of the Bill for the said Act, 20, 31, 32, 33, 34 and 35 in the district of Newark in the county of Nottinghamshire.

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Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

# British Railways Act 1978

## CHAPTER *xxi*

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

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

#### PART II

##### WORKS

5. Power to make works.
6. Stopping up footpaths.
7. Power to cross A.48 road on the level.

## Section

8. As to Heck Ings level crossing, Hensall.
9. As to Field Lane level crossing, Gowdall.
10. As to Ryston level crossing.
11. As to certain level crossings.
12. Temporary stoppage of roads and footpaths.
13. Use of sewers, etc., for removing water.
14. Incorporation of provisions of Acts of 1963 and 1968 relating to works.

## PART III

## LANDS

15. Power to acquire lands.
16. Compulsory acquisition of rights over lands.
17. Temporary use of road for Work No. 3.
18. Power to use certain lands.
19. Period for compulsory purchase of lands and rights over lands.
20. Incorporation of provisions of Acts of 1963, 1967 and 1969 relating to lands.

## PART IV

## PROTECTIVE PROVISIONS

21. Incorporation of protective provisions of Acts of 1963, 1967, 1971, (No. 2) 1975 and 1976.
22. For protection of Secretary of State.
23. For protection of Welsh Water Authority.
24. For protection of Norwest Construction Industrial Developments Limited.

## PART V

## MISCELLANEOUS

25. Amendment of section 53 of British Transport Commission Act 1949.
26. As to railway at Ludgershall.
27. As to bridge over river Ouse.
28. As to Wilmington Swing Bridge at Kingston upon Hull.
29. As to bascule bridge over river Cleddau at Haverfordwest.
30. Repeals.
31. Extension of time.
32. Powers to owners and lessees to give notice as to purchase of land.
33. Modification of Town and Country Planning Act 1971.
34. Arbitration.
35. Costs of Act.

SCHEDULES:

Schedule 1—Level crossings referred to in section 11 (As to certain level crossings) of this Act.

Schedule 2—Lands referred to in subsection (2) of section 15 (Power to acquire lands) of this Act.

Schedule 3—Lands referred to in section 18 (Power to use certain lands) of this Act.

Schedule 4—Repeals.

Schedule 5—Lands for which the period of compulsory acquisition is extended by this Act to 31st December, 1983.