

ELIZABETH II



1980 CHAPTER xxxii

An Act to empower the London Transport Executive to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Executive; and for other purposes. [1st August 1980]

WHEREAS by the Transport (London) Act 1969 the London 1969 c. 35. Transport Executive (in this Act referred to as “the Executive”) were established:

And whereas it is the general duty of the Executive under the said Act of 1969 to exercise and perform their functions, in accordance with principles from time to time laid down or approved by the Greater London Council, in such manner as, in conjunction with the British Railways Board and the National Bus Company, and with due regard to efficiency, economy and safety of operation, to provide or secure the provision of such public passenger transport services as best meet the needs for the time being of Greater London:

And whereas it is expedient that the Executive 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 periods now limited for the compulsory purchase 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 Executive and that the other provisions in this Act contained should be enacted:

And whereas plans and sections showing the lines or situation 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 officer of the Greater London Council, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

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

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the London Transport Act 1980.
- 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—
- 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;
- 1961 c. xxxvi. “ the Act of 1961 ” means the British Transport Commission Act 1961;
- 1963 c. xxiv. “ the Act of 1963 ” means the London Transport Act 1963;
- 1964 c. xxvi. “ the Act of 1964 ” means the London Transport Act 1964;
- 1965 c. xli. “ the Act of 1965 ” means the London Transport Act 1965.

- PART I
—cont.
- “ the Act of 1966 ” means the London Transport Act 1966; 1966 c. xxxiii.
- “ the Act of 1969 ” means the London Transport Act 1969; 1969 c. l.
- “ the Act of 1971 ” means the London Transport Act 1971; 1971 c. xl.
- “ the (No. 2) Act of 1971 ” means the London Transport (No. 2) Act 1971; 1971 c. lxii.
- “ the Act of 1975 ” means the London Transport Act 1975; 1975 c. xxxi.
- “ the Act of 1976 ” means the London Transport Act 1976; 1976 c. xxxvii.
- “ the Act of 1978 ” means the London Transport Act 1978; 1978 c. xv.
- “ constructed in tunnel ” means constructed in tunnel in such manner as does not necessitate the cutting through or removal of the surface soil;
- “ enactment ” includes any public general, local or private Act and any order or other instrument having the force of an Act;
- “ the Executive ” means the London Transport Executive;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the underground railways ” means such portions of Works Nos. 1 and 3 and any necessary works and conveniences connected therewith as are constructed in tunnel;
- “ the works ” means the works authorised by Part II (Works) of this Act.

(2) Any reference to the London Transport Board in any of the provisions incorporated with this Act under section 10 (Incorporation of provisions relating to works), section 18 (Incorporation of provisions relating to lands) and section 19 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Executive.

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

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

3. The following Acts and Parts of Acts, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and

Incorporation of general Acts.

PART I
—cont.

form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

1845 c. 18.

- (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;
- (b) the Act of 1845, except sections 7, 8, 9, 11, 12, 13, 17, 19, 20, 22, 23, 94 and 95 thereof; and
- (c) Part I (relating to construction of a railway) except sections 13, 18 and 19 and Part II (relating to extension of time) of the Act of 1863:

Provided that—

- (i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act—

(A) the expression “the company” where used in the said incorporated provisions means the Executive

(B) Works Nos. 4 and 5 shall be deemed to be railways authorised by the special Act;

- (ii) 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 Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

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

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

1950 c. 39.

PART II

WORKS

Power to
make works.

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

In Greater London—

In the London boroughs of Tower Hamlets, Southwark, Greenwich and Newham—

(Railway at
Tower
Hamlets,
Southwark,
Greenwich and
Newham.)

Work No. 1 A railway (8,967 metres in length) commencing in the London borough of Tower Hamlets by a junction with Work No. 1 authorised by the Act of 1971 beneath a point 100 metres north-west of the junction of Cartwright Street and Royal Mint Street, passing through the London

boroughs of Southwark, Tower Hamlets and Greenwich and terminating in the London borough of Newham by a junction with Work No. 3 beneath a point 114 metres south-east of the junction of Prince Regent Lane and Connaught Road.

PART II
—cont.

In the London boroughs of Newham and Greenwich—

Work No. 3 A railway (4,400 metres in length) commencing in the London borough of Newham by a junction with the British Railways Board's North Woolwich Line railway at a point 137 metres east of the junction of Chauntler Road and Victoria Dock Road and terminating in the London borough of Greenwich beneath a point 26 metres south-east of the junction of Villas Road and Walmer Terrace. (Railway at Newham and Greenwich.)

In the London borough of Tower Hamlets—

Work No. 4 A new ticket hall at Shadwell Station of the Executive's East London Line railway. (Ticket hall at Shadwell Station.)

In the London borough of Southwark—

Work No. 5 An enlargement of the ticket hall and improvement of the access to platforms at Rotherhithe Station of the Executive's East London Line railway. (Enlargement of ticket hall, etc., at Rotherhithe Station.)

(2) Notwithstanding anything in the Act of 1845 or shown on the deposited sections, the Executive may construct either of the tunnels forming part of Work No. 3 so as to have an internal diameter of less than 6 metres.

5. Subject to the provisions of this Act, the Executive may, for the purpose of constructing the works hereinafter mentioned, enter upon, open, break up and interfere with so much of the surface of the following streets as is within the limits of deviation:—

Work No. 1—

In the London borough of Tower Hamlets—

Cinnamon Street;

Clave Street.

Work No. 3—

In the London borough of Newham—

Saville Road.

In the London borough of Greenwich—

Taylor's Buildings.

Power to
open surface
of streets.

PART II
—cont.

Works Nos. 1 and 3—

In the London borough of Newham—
Connaught Road.

Temporary
stoppage of
streets.

6.—(1) The Executive may, during and for the purpose of the execution of the works hereinafter mentioned, temporarily stop up and interfere with so much of any of the following streets as is within the limits of deviation 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 any part of a street so stopped up and interfered with, from passing along and using the same:—

Work No. 1—

In the London borough of Tower Hamlets—
Cinnamon Street;
Clave Street.

Work No. 3—

In the London borough of Newham—
Saville Road.

In the London borough of Greenwich—
Taylors Buildings.

Work No. 4—

In the London borough of Tower Hamlets—
Cornwall Street.

Work No. 5—

In the London borough of Southwark—
Railway Avenue.

Works Nos. 1 and 3—

In the London borough of Newham—
Connaught Road.

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

Stopping up
of Wapping
Dock Street.

7.—(1) Subject to the provisions of this Act the Executive may stop up and discontinue the road known as Wapping Dock Street in the London borough of Tower Hamlets and numbered 69 on the deposited plans.

(2) The stopping up authorised by subsection (1) of this section shall not take place until the Executive are the owners in possession of all lands abutting on both sides of the road along the complete length to be stopped up except so far as the owners, lessees and occupiers of those lands may otherwise agree.

(3) After such stopping up all rights of way over or along the road authorised to be stopped up shall be extinguished and the Executive 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 road 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 Executive compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

8.—(1) The following provisions shall apply to the construction of the underground railways:—

General provisions as to mode of construction of underground railways.

(i) Works Nos. 1 and 3, where constructed in tunnel, shall be constructed in two tunnels for separate up and down traffic except at cross-overs and junctions where they may be constructed in single tunnels of enlarged diameter:

(ii) The underground railways shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:

(iii) (a) The tunnels comprised in the underground railways (including those for the stations) shall be lined throughout with iron or other sufficient metal plates or with concrete or other suitable material;

(b) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with cast iron, brick, concrete or other equally suitable and durable material;

(c) The internal diameter of the station tunnels of the underground railways shall not exceed 9 metres, the internal diameter of the cross-over and junction tunnels shall not exceed 12 metres, the internal diameter of the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves or for other constructional purposes) exceed 6 metres, and the internal diameter of the shafts shall not exceed 12 metres;

(d) Where the ground is suitable any space between the lining of the tunnels (including station, cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:

(iv) If water is found to be present in the works on the underground railways in such quantity as to necessitate the employment of compressed air, the Executive shall immediately stop all excavating work at the point where

PART II
—cont.

the same is so found and the further driving of the tunnels at the working face at that point until the Executive shall have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand, water, gravel or soil, and such machinery shall be maintained in full working order and the work at such working face carried on under compressed air as long as may be necessary:

- (v) Except in the case of unforeseen accident or for the purpose of removing rain-water or other trifling amounts of water, no use shall be made of pumping or of other like modes of removing water from the tunnels of the underground railways or from the shafts.

(2) Nothing in paragraph (iv) or paragraph (v) of subsection (1) of this section shall have the effect of—

- (a) preventing the service of a prohibition notice under section 22 (2) of the Health and Safety at Work etc. Act 1974; or
- (b) authorising anything which would be in contravention of any regulations made under section 15 of the said Act of 1974.

1974 c. 37.

Power to deviate.

9. In the execution of any of the works shown on the deposited plans, the Executive may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections—

- (a) to such extent downwards as may be found necessary or convenient; and
- (b) to any extent upwards not exceeding 3 metres in the case of the underground railways and to such extent upwards as may be found necessary or convenient in the case of any other of the works.

Incorporation of provisions relating to works.

10. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

- Section 9 (Plans, etc., to be approved by Minister before Work No. 1 commenced);
- Section 10 (Provisions as to use of electrical power);
- Section 11 (Compensation for damage by working);
- and
- Section 15 (Power to make trial holes).

The Act of 1965—

- Section 10 (Underpinning of houses near works) except the provisos to subsections (4) and (6) thereof.

The Act of 1978—

Section 10 (Use of sewers, etc., for removing water):

Provided that for the purposes of this Act—

- (i) the reference in the said section 9 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as a reference to the underground railways and to Works Nos. 4 and 5; and
- (ii) references in the said sections 10 and 11 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to the underground railways.

PART II
—cont.

PART III

LANDS

11.—(1) Subject to the provisions of this Act, the Executive 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 Executive by subsection (1) of this section, the Executive may, subject to the provisions of this Act, enter upon, take and use so much of the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 2 in the city of London as they may require for the purposes of constructing, maintaining, protecting and renewing Work No. 1 authorised by the Act of 1971.

(3) Subject to the provisions of this Act, the Executive 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 subsections (1) and (2) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) The Executive shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 10 in the London borough of Greenwich and 34, 35, 35A, 136 to 138, 138A and 139 to 194 in the London borough of Newham except those parts of the said lands numbered 35 and 35A in the London borough of Newham as are within the limits of deviation of Work No. 3.

12.—(1) In this Part of this Act “new rights” in relation to any land means easements or other rights in, under or over such land, which are not in existence at the passing of this Act. Power to acquire subsoil or new rights only in certain cases.

PART III
—cont.

(2) Notwithstanding anything in this Act, the Executive may—

(i) for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such new rights as they may require in, under or over—

(a) any railway, river, dock, canal, navigation, watercourse, aqueduct, drain, dyke or sewer; or

(b) any of the lands described in Schedule 1 to this Act; and

(ii) for the purposes of constructing, maintaining, protecting and renewing Work No. 1 authorised by the Act of 1971, enter upon, take and use so much of the subsoil and under-surface of, or may acquire such new rights as they may require in, under or over the lands described in subsection (2) of section 11 (Power to acquire lands) of this Act;

without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such entry, taking and using.

(3) (a) If, in any case where the Executive enter upon, take and use the subsoil and under-surface of, or require a new right in or under, any of the lands described in the said schedule or in subsection (2) of section 11 (Power to acquire lands) of this Act, they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works or for the purposes of Work No. 1 authorised by the Act of 1971 (as the case may be) and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.

(b) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Executive under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

Subsoil or new rights only to be acquired under certain lands.

13.—(1) In this section—

“the specified lands” means the lands referred to in Schedule 2 to this Act; and

“the level of the surface of the specified lands” means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building or, in the case of a river,

dock, canal, navigation, watercourse or other water area, means the level of the surface of the adjoining ground which is at all times above water level.

PART III
—cont.

(2) (a) Notwithstanding the provisions of subsection (1) of section 11 (Power to acquire lands) of this Act, the Executive shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) of this subsection.

(b) The Executive may, within the limits of lateral deviation prescribed by this Act in respect of Works Nos. 1 and 3, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purposes of constructing, maintaining, protecting, renewing and using Works Nos. 1 and 3 and any necessary works and conveniences connected therewith, or compulsorily purchase such new rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such entry, taking and using:

Provided that for the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 9 metres of the level of the surface of the specified lands.

14.—(1) The Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

Application
of Lands
Clauses Acts
to compulsory
purchase of
new rights.

(2) Without prejudice to the generality of subsection (1) of this section, in relation to the purchase of new rights in pursuance of section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act—

(a) the Lands Clauses Consolidation Act 1845 shall, subject to the provisions of subsection (3) of this section, have effect with the modifications specified in Schedule 1 (except paragraph 4) 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;

1845 c. 18.

PART III
—cont.

(b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

1845 c. 18.

(3) Notwithstanding anything in this section, section 92 of the Lands Clauses Consolidation Act 1845 shall not apply to any compulsory acquisition or purchase by the Executive under section 12 (Power to acquire subsoil or new rights only in certain cases) or section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act.

Set-off for
enhancement
in value of
retained land.

15.—(1) In this section “relevant land” means any land or any subsoil of or new rights in any land acquired by the Executive for the purposes of Work No. 1 or Work No. 3.

(2) In assessing the compensation payable to any person on the acquisition by the Executive from him of any relevant land, the Lands Tribunal shall—

(a) have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by Work No. 1 or Work No. 3; and

(b) set off against the value of the relevant land any increase in the value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of Work No. 1 or Work No. 3.

1961 c. 33.

(3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

Periods for
compulsory
purchase of
lands and
new rights.

16.—(1) The powers of the Executive for the compulsory purchase of the lands and new rights which they are authorised by this Act to acquire for the purposes of Works Nos. 1, 3, 4 and 5 shall cease on 31st December 1985.

(2) The powers of the Executive for the compulsory purchase of the lands and new rights which they are authorised by subsection (2) of section 11 (Power to acquire lands) of this Act to acquire shall cease on 31st December 1982.

Ecclesiastical
property.

17.—(1) Where, under any of the provisions of this Act, a notice is required to be served on an owner of land and the land is ecclesiastical property, a like notice shall be served on the Southwark Diocesan Board of Finance.

(2) Where any ecclesiastical property is to be acquired compulsorily under the powers of this Act and the benefice in question is vacant, then the fee simple of such property shall for the purposes of the acquisition be treated as being vested in the Bishop of Southwark.

(3) Any moneys agreed or awarded upon any acquisition under the powers of this Act of ecclesiastical property shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Southwark Diocesan Board of Finance and shall be applied by them as follows:—

- (a) in defraying a fair proportion of the costs, charges and expenses incurred by the Bishop of Southwark, the Southwark Diocesan Board of Finance or an incumbent of an ecclesiastical benefice in opposing the Bill for this Act;
- (b) in defraying any expenses incurred by the Bishop of Southwark, the Southwark Diocesan Board of Finance or an incumbent of an ecclesiastical benefice in relation to any such acquisition by the Executive and not reimbursed by the Executive;
- (c) as to any remaining balance and as to both capital and income, for such ecclesiastical purposes within the Diocese of Southwark as may be charitable and as the Bishop of Southwark may from time to time direct.

(4) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice or being or forming part of a church or churchyard subject to the jurisdiction of the Bishop of Southwark or being or forming part of a burial ground subject to such jurisdiction.

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

The Act of 1963—

- Section 21 (Power to enter for survey or valuation);
- Section 28 (As to cellars under streets not referenced).

The Act of 1964—

- Section 12 (Acquisition of part only of certain properties);
- Section 14 (Extinction of private rights of way).

The Act of 1965—

- Section 13 (Correction of errors in deposited plans and book of reference).

The Act of 1966—

- Section 14 (Power to expedite entry).

The Act of 1969—

- Section 14 (Disregard of recent improvements and interests):

Provided that the provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”.

Incorporation
of provisions
relating to
lands.

PART IV

PROTECTIVE PROVISIONS

Incorporation
of protective
provisions.

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

The Act of 1963—

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

The Act of 1965—

Section 25 (As to works within Metropolitan Police District).

The Act of 1969—

Section 18 (Crown rights).

The (No. 2) Act of 1971—

Section 21 (For protection of Post Office);

Section 22 (For protection of Port Authority and river users);

Section 23 (Lights and day marks on river works); and

Section 24 (For protection of Southwark Corporation).

The Act of 1975—

Section 21 (As to metropolitan roads and road traffic, etc.).

The Act of 1976—

Section 13 (For protection of sewers of Thames Water Authority):

Provided that—

- (i) the provisions of the said section 18 of the Act of 1969, as so incorporated, shall have effect as if paragraph (b) of subsection (5) of that section were omitted;
- (ii) the provisions of the said section 21 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if for the reference to Works Nos. 1, 2 and 3 of the said Act there were substituted a reference to Works Nos. 1 and 3;
- (iii) the provisions of the said section 22 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if in paragraph (12) thereof for the reference to Work No. 1 authorised by the (No. 2) Act of 1971 there were substituted a reference to Works Nos. 1 and 3 and the words “ and also of Works Nos. 2 and 3 where they pass under the Surrey Canal ” were omitted;
- (iv) the provisions of the said section 24 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if

for the reference to Work No. 1 authorised by the (No. 2) Act of 1971 there were substituted a reference to Work No. 1;

PART IV
—cont.

(v) the provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

(a) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 10 (Incorporation of provisions relating to works) of this Act; and

(b) in the definition of “the specified works” in paragraph (1), for the reference to the works authorised by the Act of 1976 there were substituted a reference to the works.

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

For protection
of British
Railways
Board.

(1) In this section—

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

“plans” includes sections, drawings and particulars;

“railway property” means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

“the works” means so much of Works Nos. 1, 3 and 4 as may be situated upon, across, under or over or may in any way affect railway property and includes the construction and reconstruction of such works:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Executive shall not under the powers of this Act—

(a) acquire any part of the surface of so much of the lands numbered on the deposited plans 13 in the London borough of Tower Hamlets as comprises a strip of such land 3 metres wide where the said lands adjoin the railway viaduct or, without the agreement of the board, acquire any easement or right on or over such strip of land; or

PART IV
—cont.

(b) acquire any part of the lands numbered on the deposited plans 171 in the London borough of Tower Hamlets as forms the site of, or wherein is contained the piers and footings of the adjoining railway viaduct or acquire any easement or right in, under or over any such part of those lands.

- (3) Except for so much of the lands numbered on the deposited plans 13 in the London borough of Tower Hamlets as is not referred to in paragraph (2) of this section, the Executive shall not under the powers of this Act acquire any railway property but they may in accordance with the provisions of section 12 (Power to acquire subsoil or new rights only in certain cases) of this Act acquire such subsoil and new rights in, under or over railway property as they may reasonably require for the purposes of the works:

Provided that the Executive shall not under the powers of this Act, without the agreement of the Board, acquire any subsoil or new rights in, under or over any railway property for the purpose of constructing so much of Work No. 3 as consists of a junction with the Board's North Woolwich Line railway.

- (4) The provisions of paragraphs (3) to (15) inclusive of section 41 (For protection of British Railways Board) of the Act of 1963 shall extend and apply for the protection of the board in relation to the works as if those provisions were with any necessary modification re-enacted in this section and as if—

(a) for references therein to "the Board" there were substituted references to "the Executive";

(b) for references therein to "the railways board" there were substituted references to "the board";

(c) for references therein to "the works" there were substituted references to "the works" as defined in paragraph (1) of this section and as if this expression included the maintenance and repair of the works for the purposes of the application of paragraphs (7), (11) and (13) of the said section 41;

(d) for the reference therein to section 15 (Power to make trial holes) of the Act of 1963 there were substituted a reference to that section as incorporated by section 10 (Incorporation of provisions relating to works) of this Act.

21. The following provisions for the protection of the Post Office shall, unless otherwise agreed in writing between the Executive and the Post Office, apply and have effect:—

PART IV
—cont.
For protection
of Post Office.

(1) In this section “ telegraphic line ” has the same meaning as in the Telegraph Act 1878:

1878 c. 76.

(2) The exercise of the powers conferred by section 6 (Temporary stoppage of streets) of this Act in relation to a street shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that street for any of those purposes:

(3) If by reason or in consequence of the construction, user or failure of either Work No. 1 or Work No. 3 or any subsidence resulting from either of them any damage to any telegraphic line belonging to, or used by, the Post Office (other than a line the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or any property of the Post Office, or any interruption in telecommunication by means of any such line or property, shall be caused, the Executive shall bear and pay the cost reasonably incurred by the Post Office in making good such damage, or restoring telecommunication, and shall—

(a) make reasonable compensation to the Post Office for loss sustained by it; and

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the Executive with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the Post Office, its officers, servants, contractors or other agents; and

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

(4) Any difference (including failure to agree) arising between the Executive and the Post Office under this

PART IV
—cont.

section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

PART V

MISCELLANEOUS

Extensions
of time.

22.—(1) The period now limited by the Act of 1976 for the compulsory purchase of the lands authorised to be acquired by section 27 (Power to acquire lands) of the Act of 1961 for the purposes of Works Nos. 6 and 7 authorised by Part II (Works) of the Act of 1961 is hereby extended until 31st December 1985.

(2) The period now limited by the Act of 1976 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1971 for the purposes of Work No. 2 authorised by Part II (Works) of the Act of 1971 is hereby extended until 31st December 1985.

(3) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1961 and the Act of 1971.

As to power
to establish
undertakings
on request.
1968 c. 73.
1969 c. 35.

23. The power of the Executive under section 50 (7) of the Transport Act 1968, as applied to the Executive by section 6 (2) of the Transport (London) Act 1969, to provide for any person technical advice and assistance, including research, shall include power, exercisable on the request of any such person, to establish for that person an undertaking carrying on any business in which the Executive have skill or experience and, until such person is ready to manage such undertaking himself, to manage it on his behalf.

As to
distance
markers.

24.—(1) The provisions of sections 94 and 95 of the Act of 1845 shall cease to have effect in relation to any railway of the Executive.

(2) If required by the Minister of Transport the Executive shall cause the length of any railway of the Executive to be measured and conspicuous distance markers to be set up and maintained along the whole or any part of the line thereof at such distance from each other as shall from time to time be prescribed by him and each marker shall have numbers or marks inscribed thereon denoting such distances.

(3) If any person without lawful excuse pulls down or otherwise interferes with a distance marker provided under subsection (2) of this section, he shall be liable to a fine not exceeding £50.

25. In their application to the Executive, to any railway of the Executive or any works connected therewith or to any train on such railway, the enactments specified in column (1) of Schedule 3 to this Act (being enactments creating the offences broadly described in column (2) of that schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were the amount specified in column (4) of that schedule instead of that specified in column (3) thereof.

PART V
—cont.
Increase of
fines fixed by
enactments.

26.—(1) In this section—

“ the Order of 1977 ” means the Town and Country Planning General Development Order 1977;

“ Class XII development ” means development authorised by Article 3 of and Class XII in Schedule 1 to the Order of 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).

Modification
of Town and
Country
Planning Act
1971.
1971 c. 78.

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun within twelve years after the passing of this Act.

(3) Subsection (2) of this section shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works.

27. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, 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.

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

Costs of Act.

SCHEDULES

Section 12.

SCHEDULE 1

LANDS IN RESPECT OF WHICH SUBSOIL OR NEW RIGHTS MAY BE TAKEN AS PROVIDED BY SECTION 12 (POWER TO ACQUIRE SUBSOIL OR NEW RIGHTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 1	
London borough of Tower Hamlets	13, 30, 63, 64, 66, 67, 68, 70 to 77, 90, 91, 151, 152, 161, 166
London borough of Southwark	14
London borough of Greenwich	8, 11, 12, 14, 16, 17
London borough of Newham	10, 22, 24, 25A, 25B, 37
WORK No. 3	
London borough of Newham	22, 23, 24, 25, 25A, 25B, 26 to 32, 35, 35A, 37, 39 to 42, 73 to 76, 100 to 122
London borough of Greenwich	20, 47, 49, 54, 124 to 127, 129, 131, 132, 132A, 136, 157
WORK No. 4	
London borough of Tower Hamlets	170 to 175
WORK No. 5	
London borough of Southwark	29 to 33

SCHEDULE 2

Section 13.

LANDS REFERRED TO IN SECTION 13 (SUBSOIL OR NEW RIGHTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK NO. 1	
London borough of Tower Hamlets	1, 2, 6 to 11, 15, 17 to 20, 23 to 26, 35, 35A, 36, 40 to 45, 47, 50, 51, 53 to 57, 61, 62, 78, 87, 89, 93, 96, 97, 98, 101 to 140, 142 to 149, 153, 154, 156 to 160, 162, 163
London borough of Southwark	1 to 7, 9 to 13, 15 to 19, 21 to 26
London borough of Greenwich	1, 3 to 5
London borough of Newham	1 to 9, 12 to 15, 19 to 21
WORK NO. 3	
London borough of Newham	1, 36, 43 to 52, 56 to 72, 77 to 91, 93 to 99, 124 to 131, 134
London borough of Greenwich	1, 18, 19, 21, 26 to 29, 31 to 45, 50, 51, 52, 55 to 68, 71 to 88, 90, 90A, 90B, 93, 95 to 110A, 113 to 118, 120 to 122A, 128, 128A, 129A, 132B to 135A, 137, 138, 140 to 151, 153 to 156, 160 to 162.

SCHEDULE 3

Section 25.

INCREASE OF FINES FIXED BY ENACTMENTS

Enactment (1)	Description of offence (2)	Old maximum fine (3)	New maximum fine (4)
The Railways Clauses Consolidation Act 1845 (as amended by subsections (5) and (6) of section 31 of the Criminal Law Act 1977)—			1845 c. 20. 1977 c. 45.
Section 24 ...	Obstructing construction of railway	£25	£50
Section 103 ...	Refusal or neglect to quit carriage at destination	£25	£50

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CHAPTER xxxii

ARRANGEMENT OF SECTIONS

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9. Power to deviate.
10. Incorporation of provisions relating to works.

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Section

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24. As to distance markers.
25. Increase of fines fixed by enactments.
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27. Arbitration.
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SCHEDULES:

Schedule 1—Lands in respect of which subsoil or new rights may be taken as provided by section 12 (Power to acquire subsoil or new rights only in certain cases) of this Act.

Schedule 2—Lands referred to in section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act.

Schedule 3—Increase of fines fixed by enactments.