

ELIZABETH II



1982 CHAPTER xxi

An Act to empower the London Transport Executive to construct works and to acquire lands; to confer further powers on the Executive; and for other purposes.

[28th October 1982]

WHEREAS—

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

(2) 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:

(3) 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:

(4) 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:

(5) 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 councils of Greater London and the county of Surrey, within which area and county 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:

(6) 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 (General Powers) Act 1982.

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;
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;

- “ the Act of 1966 ” means the London Transport Act 1966; PART I
—cont.
- “ the Act of 1969 ” means the London Transport Act 1969; 1966 c. xxxiii.
- “ the (No. 2) Act of 1971 ” means the London Transport 1969 c. 1.
(No. 2) Act 1971; 1971 c. lxii.
- “ 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.
- “ the Act of 1981 ” means the London Transport Act 1981; 1981 c. xxxii.
- “ the Act of 1982 ” means the London Transport Act 1982; 1982 c. v.
- “ constructed in tunnel ” means constructed in tunnel in
such manner as does not necessitate the cutting through
or removal of the surface soil;
- “ the Executive ” means the London Transport Executive;
- “ the limits of deviation ” means the limits of deviation
shown on the deposited plans;
- “ telegraphic line ” has the same meaning as in the Telegraph 1878 c. 76.
Act 1878;
- “ the underground work ” means such portion of Work No. 1
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 7 (Incorporation of provisions relating to works), section 12 (Incorporation of provisions relating to lands) and section 13 (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 Part of an Act, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and 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, 19, 20, 22, 23, 94 and 95 thereof; and
- (c) Part I (relating to construction of a railway), except sections 13, 18 and 19, 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, the expression “the company” where used in the said incorporated provisions means the Executive;
- (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—

1950 c. 39.

(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.

PART II

WORKS

Power to
make works.

4. 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 and the county of Surrey—

In the London boroughs of Hillingdon and Hounslow and the borough of Spelthorne—

(Deviation
railway at
Heathrow).

Work No. 1 A deviation railway (2,349 metres in length) commencing in the borough of Spelthorne beneath a point 50 metres north of the junction of Sealand Road with the Southern Perimeter Road, passing through the London borough of Hounslow and terminating in the London borough of Hillingdon beneath a point 45 metres east of the eastern end of Runway No.5 at Heathrow Airport—London.

5.—(1) The Executive shall abandon the construction of so much of Work No. 2 authorised by the Act of 1981 as lies between the commencement and termination of Work No. 1 authorised by section 4 (Power to make works) of this Act (in this section referred to as “the abandoned railway”) and is rendered unnecessary by the construction of Work No. 1 authorised by this Act.

PART II
—cont.

Abandonment
of part of
Work No. 2
of Act of 1981.

(2) The abandonment under this section of the construction by the Executive of the abandoned railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Executive on such land for the purpose of surveying and taking levels or boring to ascertain the nature of the soil and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Executive to receive compensation for such temporary occupation or for any loss, damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1981.

6. In the execution of Work No. 1, 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—

Power to
deviate.

- (a) to such extent downwards as may be found necessary or convenient; and
- (b) to any extent upwards not exceeding 1.5 metres.

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

Incorporation
of provisions
relating to
works.

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 paragraphs (4) and (6) thereof.

PART II
—*cont.*

The Act of 1978—

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

Provided that—

- (i) for the purposes of this Act references in the said sections 9, 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 work;
- (ii) the Executive shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 10 of the Act of 1965, as so incorporated, as not to obstruct or render materially less convenient the access to any telegraphic line belonging to, or used by, British Telecommunications.

PART III

LANDS

Power to
acquire lands.

8. 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
subsoil or
new rights
only in certain
cases.

9.—(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.

(2) Notwithstanding anything in this Act, the Executive may 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 as they may require of or may acquire such new rights as they may require in, under or over any of the lands delineated on the deposited plans and described in the deposited book of reference and numbered 1 in the London borough of Hillingdon, 1 in the London borough of Hounslow and 1 in the borough of Spelthorne 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 or acquisition.

(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 subsection (2) of this section, 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 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 section 92 of the Lands Clauses Consolidation Act 1845 applies.

1845 c. 18.

10.—(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 9 (Power to acquire subsoil or new rights only in certain cases) 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 9 (Power to acquire subsoil or new rights only in certain cases) 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;

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

(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 9 (Power to acquire subsoil or new rights only in certain cases) of this Act.

11. 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 Work No. 1 shall cease on 31st December 1986.

Period for
compulsory
purchase of
lands and
new rights.

PART III
—*cont.*

Incorporation
of provisions
relating to
lands.

12. 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).

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”.

PART IV

PROTECTIVE PROVISIONS

Incorporation
of protective
provisions.

13. 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 (No. 2) Act of 1971—

Section 21 (For protection of Post Office).

The Act of 1976—

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

The Act of 1981—

Section 17 (For protection of British Telecommunications).

Section 18 (For protection of certain oil companies):

Provided that—

PART IV
—cont.

- (i) 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 the Post Office there were substituted a reference to British Telecommunications and as if for the reference to Works Nos. 1, 2 and 3 of the said Act there were substituted a reference to Work No. 1;
- (ii) 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 7 (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 Work No. 1;
- (iii) the provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if paragraph (2) of that section were omitted, and as if for the reference to Work No. 2 of the Act of 1981 there were substituted a reference to Work No. 1;
- (iv) the provisions of the said section 18 of the Act of 1981, as so incorporated, shall have effect as if for the reference to Work No. 2 of the Act of 1981 there were substituted a reference to Work No. 1.

14. For the protection of the British Airports Authority (in this section referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Executive and the authority, apply and have effect:—

For protection
of British
Airports
Authority.

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

“the airport” means the airport known as Heathrow Airport—London;

“airport property” means the land, buildings, apparatus and any other property of whatever nature owned by the authority and forming part of or held in connection with the airport;

“apparatus” means any apparatus, appliance, conduit, duct or structure belonging to the authority or the Civil Aviation Authority and used for or in connection with the provision of services by the authority or the Civil Aviation Authority for the operation of the airport and includes any structure for the lodging therein of such apparatus;

PART IV
—cont.

“ the combined deposited plans ” means the deposited plans referred to in the Act of 1981, so far as they relate to Work No. 2 (Loop railway at Heathrow) thereby authorised, as modified by the deposited plans referred to in this Act and the deposited plans referred to in the Act of 1982, so far as they relate to Work No. 3 (Ventilation shaft and subway at Shoreham Road, Heathrow Airport) thereby authorised, and “ the combined deposited sections ” shall be construed accordingly;

“ construction ” includes reconstruction and for the purposes of paragraphs (13) to (17) (inclusive) of this section includes maintenance and repair of the specified works;

“ plans ” includes sections, drawings, specifications and particulars (including particulars as to the method of constructing any work to which the plans relate);

“ the previous legislation ” means the power to make and maintain the said Work No. 2 with all necessary works and conveniences connected therewith conferred upon the Executive by section 4 (Power to make works) of the Act of 1981 and the power to make and maintain the said Work No. 3 conferred on the Executive by section 4 (Power to make works) of the Act of 1982 (or either of such powers as the case may be) together with all other provisions of both or either of the said Acts so far as they relate to the said works, excepting only section 16 (For protection of British Airports Authority) of the Act of 1981 and section 17 (For protection of British Airports Authority) of the Act of 1982;

“ the signed route plan ” and “ the signed station plan ” means the plans signed in duplicate by Eric Ray Ellen on behalf of the Executive and by Michael William Tomson Nott on behalf of the authority, one copy of each of which has been deposited with the Executive and with the authority;

“ the specified works ” means so much of the said Work No. 2 authorised by the Act of 1981, as modified by this Act, or, according to the context, the said Work No. 3 authorised by the Act of 1982 or the whole of the said works and any work or convenience connected with those works so far as they may be situated upon, across, under or over or may in any way affect airport property and includes the construction of such works;

“ the ticket hall ” means the ticket hall coloured blue and blue hatched black on the signed station plan;

“ the ticket hall works ” means so much of the structural works as are coloured blue and blue hatched black on the signed station plan.

- (2) (a) Instead of acquiring compulsorily any part of the land or subsoil within the airport which the Executive are authorised to acquire under the previous legislation, as modified by this Act, the Executive may enter into an agreement with the authority for the grant of a lease or lesser interest in part of the land or subsoil or in part of the specified works on such terms as may be agreed between the parties and as a term of such agreement the authority may agree to contribute to the cost of the specified works;
- (b) if the Executive acquire a leasehold interest in any part of the land or subsoil or in part of the specified works under sub-paragraph (a) above, they shall not, under the powers of the previous legislation, as modified by this Act, acquire the freehold reversion upon the lease granted by the authority.
- (3) The Executive shall not under the powers of the previous legislation, as modified by this Act, acquire compulsorily any airport property except—
- (a) the freehold interest in such land as is reasonably required for a ventilating shaft in such position as may be agreed with the authority within the limits of deviation of the said Work No. 3 authorised by the Act of 1982, together with perpetual rights—
- (i) to the free access of air to the said ventilation shaft; and
- (ii) of way over such route as may be directed by the authority from time to time (being a route which is reasonably suitable and convenient for the purposes hereinafter mentioned) for the purpose of gaining access to and egress from the said ventilating shaft in order to inspect, maintain and renew the same, such right of way to be exercisable with plant and machinery and to be subject to any necessary restrictions for the safe and efficient operation of the airport, such restrictions to have regard, however, to any breakdown of the ventilator or to any other emergency requiring prompt action by the Executive;
- (b) a freehold interest in the subsoil or under-

PART IV
—cont.

surface of such land as may be reasonably required for so much of the works as are to be constructed below ground level, including the interior of the ticket hall but not the ticket hall works or any stanchions supporting a building above the ticket hall;

(c) a freehold interest in the subsoil, soil and airspace required for a draught relief shaft serving the station forming part of the specified works;

(d) in accordance with the provisions of section 10 (Power to acquire subsoil or new rights only in certain cases) of the Act of 1981 and the corresponding sections of the Act of 1982 and this Act, such easements and rights as they may reasonably require for the purposes of the specified works or for obtaining access thereto in any such property within the limits of deviation shown on the combined deposited plans, but (except in the case of any easement or right required for obtaining permanent access on the surface to and from any of the specified works) such rights shall be limited to the period of construction of so much of the specified works including any part of the specified works as is agreed between the authority and the Executive as appropriate for construction by cutting from the surface, and all such easements or rights shall, so far as is consistent with the instruments creating them, be restricted to the surface or subsoil and undersurface of the land in respect of which they are granted, and where such easements affect the operational parts of the airport the same shall be subject to any restrictions necessary for the safe and efficient operation of the airport, such restrictions to have regard to any emergency requiring prompt action by the Executive, and the Executive shall not exercise in relation to airport property the powers of the Act of 1845 for the temporary occupation of land or take or use any part of the airport property for the purpose of working areas in connection with the specified works, otherwise than with the agreement of the authority.

- (4) Notwithstanding anything in the Lands Clauses Acts, the authority may, after service of notice to treat for any land which the Executive are authorised by this section to acquire compulsorily, from time to time make separate claims for the value of any such land and for the injurious affection of any land of the authority not so taken:

Provided that no claim as aforesaid shall be made

after the expiration of a period of two years from the date of the opening for public traffic of the specified works.

PART IV
—cont.

- (5) (a) Notwithstanding anything in this Act or the previous legislation, the Executive in constructing the works shall ensure so far as is reasonably practicable that so much of the works as lies between the points marked " A " and " B " on the signed route plan is constructed on the alignments shown on the signed route plan and the combined deposited sections respectively;
- (b) The whole of the specified works shall be constructed in tunnel and otherwise than by cutting from the surface, except so much of the railway comprised in the specified works as is agreed between the authority and the Executive as appropriate for construction by cutting from the surface.
- (6) The specified works shall be so constructed as to have such load-bearing capacity as may be specified by the authority in writing within forty-two days of a request by the Executive so to do before the commencement of construction of the specified works, and different load-bearing capacities may be specified for different parts of the specified works.
- (7) The Executive shall, before commencing the specified works—
- (a) agree with the authority a scheme for the regulation of the construction of the specified works, to include provisions restricting or regulating working areas, the lighting of the specified works, the height of the specified works and of surface equipment serving them or used in their construction, hours of surface working, the hours for and methods of disposal of spoil, routes and times of movement of construction traffic, parking areas for vehicles, cleansing of working areas, vehicles and vehicle routes and parking areas, the disposal of water found in constructing the specified works and such other matters as may be agreed by the authority and the Executive;
- (b) furnish to the authority for their reasonable approval proper and sufficient plans of the specified works and a statement of the time or times at which and the order in which the specified works are to be constructed;

and shall not commence the specified works until the said scheme and the plans of the specified works and the statement of the time or times at which and the order in

PART IV
—cont.

which the specified works are to be constructed have been approved in writing by the authority or settled by arbitration:

Provided that, if within forty-two days after such plans and the statement have been furnished to the authority the authority shall not have intimated their disapproval thereof and the grounds of their disapproval, they shall be deemed to have approved the same.

- (7A) The Executive shall not depart from the agreed scheme referred to in paragraph (7) (a) above without the consent in writing of the authority.
- (8) Upon signifying their approval or disapproval of the plans of the specified works, the authority may specify any protective works, whether temporary or permanent, which in their opinion should be carried out before the commencement or during the construction of the specified works to ensure the safety or stability of airport property and such protective works as may be reasonably necessary for those purposes shall be constructed with all reasonable dispatch and the Executive shall not commence the construction of the specified works until the authority shall have notified the Executive in writing that any protective works required to be constructed before the commencement of the specified works have been completed to the authority's reasonable satisfaction.
- (9) The ticket hall works shall be constructed by the authority and not by the Executive except that by agreement with the Executive the authority may construct a part only of the ticket hall works.
- (10) Upon signifying approval or disapproval of the plans submitted to them under paragraph (7) above, the authority may give notice to the Executive that they desire themselves—
- (a) to carry out any of the protective works referred to in paragraph (8) above;
 - (b) to alter, remove or replace any apparatus affected by the construction of the specified works;
 - (c) to reinstate any runway, taxi-way, road or pavement affected by the specified works.
- (11) (a) Any protective or other works or other operations in respect of which notice has been given by the authority under paragraph (10) above shall be carried out by the authority with all reasonable dispatch and economy and in accordance with plans submitted to and reasonably approved by the Executive;

(b) The proviso to paragraph (7)(b) above shall apply to any plans submitted by the authority to the Executive under this paragraph as it applies to plans submitted by the Executive to the authority as if references therein to the authority were references to the Executive and vice versa.

(12) The Executive shall give to the authority twenty-eight days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notices as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance are likely to affect or interfere with airport property.

(13) The specified works shall, when commenced, be constructed with all reasonable dispatch in accordance with the plans approved, deemed to be approved or settled by arbitration in accordance with paragraph (7) above and, if any damage to or interference with airport property shall be caused by the construction of the specified works, the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to the authority all reasonable costs and expenses to which they may be put by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Executive with respect to any damage, costs or expenses attributable to the act, neglect or default of the authority or their servants, contractors or agents.

(14) The authority may from time to time during the construction of the specified works give to the Executive such directions relative to such construction as are reasonably necessary for ensuring the safe operation of the airport; and the Executive shall upon the receipt of such directions take all necessary steps to comply with such directions as soon as reasonably practicable.

(15) The authority and the Executive shall at all times afford reasonable facilities to each other and their agents for access to and inspection of any works carried out by either of them under this section during their construction and shall supply each other with such information as they may reasonably require with regard to such works or the method of construction thereof.

PART IV
—cont.

- (16) The Executive shall repay to the authority the agreed proportion of, or (as the case may be) all reasonable costs, charges and expenses properly incurred by the authority—
- (a) in constructing the ticket hall works pursuant to paragraph (9) above;
 - (b) in or in connection with the undertaking of any works or the carrying out of any operations on behalf of the Executive under paragraph (10) above;
 - (c) in respect of the employment of any inspectors and other persons whom it shall be reasonably necessary to appoint for inspecting and guarding airport property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
 - (d) in respect of any additional temporary lighting of airport property in the vicinity of the specified works, being lighting made reasonably necessary during and by reason of the construction or failure of the specified works;
 - (e) in respect of the preparation and approval of all plans provided for in this section and of the scheme referred to in paragraph (7)(a) above.
- (17) The Executive shall be responsible for and make good to the authority all costs, charges, damages, losses and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the authority by reason of the failure of the specified works or of any act or omission of the Executive or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the specified works, and the Executive shall effectively indemnify and hold harmless the authority from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done by the authority on behalf of the Executive, or in accordance with plans approved by the authority, or in accordance with any requirement of the authority or under the supervision of the authority, shall not excuse the Executive from any liability under the provisions of this section:
- Provided that—
- (a) nothing in this paragraph shall impose any liability on the Executive with respect to any damages, costs

or expenses attributable to the act, neglect or default of the authority or their servants, contractors or agents; and

PART IV
—cont.

(b) the authority 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.

(18) The Executive shall not in exercise of the powers of section 15 (Power to make trial holes) and section 21 (Power to enter for survey and valuation) of the Act of 1963, as incorporated with this Act, make any trial holes on any airport property or enter upon any airport property without first obtaining the consent of the authority, but such consent shall not be unreasonably withheld and the authority may attach thereto such reasonable conditions as they think fit.

(19) The Executive having commenced the specified works shall complete the same with all reasonable dispatch, having regard, however, to any increase in the time required to complete the same arising out of the provisions of this section.

(20) Any difference which shall arise between the Executive and the authority under this section shall be settled by arbitration.

PART V

MISCELLANEOUS

15.—(1) In this section—

“ the Order of 1966 ” means the London Transport (Male Wages Grades Pensions) Order 1966;

Male wages
grades
pension
scheme.

“ the scheme ” means the pension scheme established by the Order of 1966.

S.I. 1966/1164.

(2) Notwithstanding anything in the Order of 1966, the rules of the scheme may be amended or added to, subject to the provisions of subsection (3) of this section, by a resolution of the management committee of the scheme confirmed by the Executive and, if benefits or contributions are affected, supported by a report in writing by the actuary to the scheme.

PART V
—cont.

(3) Nothing in subsection (2) of this section shall authorise any amendment or addition to the rules the effect of which would be to—

- (a) vary the main purpose of the scheme, namely the provision of retirement pensions and other benefits for members; or
- (b) reduce without his consent the benefit of any person receiving a pension at the date of the amendment or addition; or
- (c) extend the period of the operation of the scheme beyond 80 years from the passing of this Act unless at the time of the amendment or addition an extension of the period is lawful.

Repeals.

16. Section 16 (For protection of British Airports Authority) of the Act of 1981 and section 17 (For protection of British Airports Authority) of the Act of 1982 are hereby repealed.

**Planning
permission.**

S.I. 1977/289.

17.—(1) In this section “Class XII development” means development authorised by Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permits 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).

(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 by 30th October 1993, being 12 years after the passing of the Act of 1981.

(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 authorised by this Act or the substitution of new works therefor.

Arbitration.

18. 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.

Costs of Act.

19. 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.

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