

**ELIZABETH II**



**1984 CHAPTER xiv**

An Act to authorise the Anglian Water Authority to construct works and to acquire lands; to confer further powers on the Anglian Water Authority; and for other purposes. [12th July 1984]

**W**HEREAS the Anglian Water Authority (hereinafter in this Act referred to as "the Authority") were, in pursuance of the Water Act 1973, constituted as the authority responsible for water conservation, the supply of water, the provision of public sewerage and sewage disposal, land drainage, the prevention of pollution, water recreation and the management and improvement of salmon, trout and freshwater fisheries in an area comprising the counties of Cambridgeshire, Lincolnshire, Norfolk and Suffolk, and parts of the counties of Bedfordshire, Buckinghamshire, Essex, Hertfordshire, Humberside, Leicestershire, Northamptonshire, Nottinghamshire and Oxfordshire and part of the London borough of Havering: 1973 c. 37.

And whereas it is expedient for the improvement of the sea defences of King's Lynn and its environs that the Authority

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should be empowered to construct in and about the tidal sections of the river Great Ouse and the river Nar the works specified by this Act and to acquire lands for such works:

And whereas it is expedient that the other provisions in this Act should be enacted:

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

And whereas plans and sections showing the lines, situations and levels of the works authorised 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 lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the chief executive of the county council of the county of Norfolk and such plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:

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

## PART I

### PRELIMINARY

Citation.

1. This Act may be cited as the Anglian Water Authority (King's Lynn Tidal Defences) Act 1984.

Interpretation.

1965 c. 56.

2.—(1) In this Act, unless the context otherwise requires—  
 “the Act of 1965” means the Compulsory Purchase Act 1965;  
 “the Authority” means the Anglian Water Authority;  
 “the conservancy board” means the King's Lynn Conservancy Board;  
 “enactment” means an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the area of the Authority;  
 “the level of high water” means the level of mean high-water springs;



“tidal work” means so much of any work authorised by Part II of this Act as is on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“the Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the works” means Works Nos. 1 to 7 and any works constructed in connection with those works, and includes those works as enlarged, renewed or altered, under subsection (2) of section 4 (Power to make works) of this Act.

(2) References in this Act to reference points shall be construed as references to National Grid reference points under grid letters TF.

(3) 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.—(1) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if—

(a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of five years from the commencement respectively of the construction of any of the works authorised by the special Act”;

(b) the expression “the company” meant the Authority; and

(c) the expression “the railway” meant the works authorised by this Act and “the centre of the railway” meant the centre line of any such works respectively.

(2) (a) Part I of the Act of 1965 (except section 4, section 27, 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 Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981. 1981 c. 67.

(b) In section 11 (1) of the Act of 1965, as so applied, for the words “fourteen days” there shall be substituted the words “three months”.

PART I  
—cont.  
1845 c. 18.

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

## PART II

### WORKS

Power to  
make works.

4.—(1) Subject to the provisions of this Act, the Authority may, in the lines or situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections, make and maintain the works hereinafter described in the borough of King's Lynn and West Norfolk in the county of Norfolk:—

Work No. 1 A dam across the creek known as Pur Fleet on the east side of the river Great Ouse, incorporating a culvert fitted with a tide flap and formed by the filling in of the bridge carrying the highway across that creek, at reference point 61633 20027;

Work No. 2 A dam across the creek known as Mill Fleet on the east side of the river Great Ouse, incorporating a sluice or culvert fitted with a tide flap, commencing at the southern end of the existing quay on the north side of the said creek, and terminating at the commencement of the bollards of the Boal Quay on the south side of that creek at reference point 61689 19604;

Work No. 3 A reconstruction and improvement of the quay on the river Great Ouse, lying to the south of Mill Fleet, commencing at reference point 61679 19601 and terminating at reference point 61689 19528;

Work No. 4 A diversion of the river Nar, commencing at reference point 61855 19312 and terminating in the mouth of that river at reference point 61730 19374;

Work No. 5 A flood barrier across the diversion channel (Work No. 4), incorporating culverts, movable flood gates and cills, commencing at reference point 61786 19361 and terminating at reference point 61778 19343;

Work No. 6 An access road, commencing at the point of termination of Work No. 5 and terminating by a junction with Wisbech Road at reference point 61965 18986;



Work No. 7 A dam across the creek at West Lynn on the west side of the river Great Ouse, incorporating a sluice or culvert fitted with a tide flap, at reference point 61388 19895.

PART II  
—cont.

(2) The Authority may within the limits of deviation shown on the deposited plans and the deposited sections from time to time enlarge, renew and alter any of the works described in subsection (1) above.

(3) (a) Subject to the provisions of this Act the Authority may, within the limits of land to be acquired shown on the deposited plans and following completion of Work No. 4, fill in and reclaim from the foreshore and bed of the river Nar so much of that foreshore and bed as lies north of and is rendered redundant by that work.

(b) The Authority may appropriate and use or may transfer to any other person the lands filled in and reclaimed under the powers of this subsection.

5.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans, the Authority in connection with or for the purposes of the works may— Subsidiary works.

- (a) make junctions and communications between any of those works and any watercourses and any existing streets, roads, droves, ways, bridges and footpaths;
- (b) make, provide and maintain all necessary and convenient walls, banks, embankments, borrow-pits, hards, moorings, boat hoists, piling, fences, culverts, drains, intakes, syphons, watercourses, weirs, sluices, mattresses, pitching, roads, droves, bridges, footpaths, and all such mains, pipes, cables, wires, meters, pumps, machinery, works and appliances as may be required;
- (c) remove and if thought fit utilise in and for the works so much of the flood protection embankments as will be rendered unnecessary by reason of the execution of the works;
- (d) dispose of spoil or other material excavated in the execution of the works;
- (e) execute any works for the protection of any adjoining lands, buildings or structures;
- (f) remove, alter, divert or stop up any drain, sewer or watercourse, the Authority providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any watercourse;

PART II  
—cont.

1928 c. 32.

(g) alter any mains, pipes, wires and other works and apparatus for conveying or transmitting water, gas, electricity or petroleum (as defined in the Petroleum (Consolidation) Act 1928):

Provided that no spoil or other material shall under the powers of this section be deposited in any place below the level of high water except in such a position and subject to such conditions and restrictions as may be fixed by the Secretary of State.

(2) In the exercise of the powers conferred by this section, the Authority shall cause as little detriment and inconvenience to any person as circumstances admit and shall pay compensation to all persons for any damage sustained by them by reason of the exercise by the Authority of such powers. Any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

(3) The powers conferred by this section and section 4 (Power to make works) of this Act in so far as they authorise the carrying out of any works in, on, over or under any highway shall not be exercised by the Authority without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of the consent) as the highway authority may require, and any question whether such consent is unreasonably withheld or any conditions so imposed are unreasonable shall be determined by arbitration:

1950 c. 39.

Provided that such consent shall not be necessary where consent for the carrying out of the works is required by the Public Utilities Street Works Act 1950.

1984 c. 12.

(4) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used pursuant to the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as not to cause, or be likely to cause, any interference (whether by induction or otherwise) with any telecommunication apparatus (as defined in paragraph 1 of Schedule 2 to the Telecommunications Act 1984) kept installed for the purposes of any such telecommunication code system as is mentioned in Schedule 4 to that Act, or with the service provided by any such system.

Power to deviate.

6. The Authority in constructing the works may deviate laterally from the lines or situations of the works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards.



7.—(1) Upon completion of the diversion of the river Nar specified in Work No. 4 and the filling in and reclamation of that part of the foreshore and bed of the river Nar described in subsection (3) (a) of section 4 (Power to make works) of this Act—

PART II  
—cont.

Work No. 4 to be part of main river.

(a) the new channel comprised in the diversion shall be treated as part of the main river of the Authority for the purposes of the Authority's land drainage functions; and

(b) the part of the foreshore and bed of that river so filled in and reclaimed shall cease to be so treated;

and the Authority shall forthwith send the main river map (as defined in section 9 (1) of the Land Drainage Act 1976) of their area to the Minister of Agriculture, Fisheries and Food.

1976 c. 70.

(2) The Minister shall alter the map sent to him pursuant to subsection (1) above, so as to give effect to the provisions of that subsection, and send it back to the Authority.

8. Works Nos. 1, 2, 4, 5 and 7 shall be deemed to have been constructed under licences under section 36 of the Water Resources Act 1963 granted by the Secretary of State to the Authority and, except as may be otherwise provided by this Act, the provisions of the said Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licences deemed by this section to have been granted under that section as they apply to those so granted.

Certain of works deemed to be constructed under impounding licence.

1963 c. 38.

9. Following completion of the diversion channel (Work No. 4) and the flood barrier (Work No. 5) across that diversion channel, and the provision by the Authority of two new footpaths between the points A and B and the points C and D respectively marked on the deposited plans each crossing over Work No. 5—

Stopping up and diversion of footpaths.

(a) the Authority may stop up so much of the existing footpath in the borough of King's Lynn and West Norfolk (being numbered 20 on the definitive map kept under Part IV of the National Parks and Access to the Countryside Act 1949) as lies between the said points A and B and so much of the existing footpath in the said borough (being so numbered 23) as lies between the said points C and D; and

1949 c. 97.

(b) the said new footpaths so marked shall, from and after such stopping up, become public footpaths and all rights of way over or along the parts of the footpath so stopped up shall be extinguished;

and the Authority may appropriate and use the site and soil of the parts of the footpath so stopped up, so far as they are the owners of the same.

PART II  
—cont.  
Temporary stoppage of watercourses, roads, footpaths and bridleways.

**10.**—(1) The Authority during and for the purpose of the execution of any of the works may temporarily stop up and divert and interfere with any watercourse or any road, bridleway or footpath and may for any reasonable time divert the traffic from any such road, bridleway or footpath and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, bridleway or footpath from passing along and using the same.

(2) Reasonable access shall be provided for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) The powers of this section shall not be exercised with reference to any road, bridleway or footpath without the consent of the highway authority and, in the case of a road, bridleway or footpath which is vested in any person other than the highway authority, that person, and any such consent may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of the consent) as the highway authority or other person may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by arbitration.

(4) The exercise of the powers conferred by this section shall not affect any rights conferred by or in accordance with the telecommunications code on the operator of any such telecommunications code system as is mentioned in Schedule 4 to the Telecommunications Act 1984 or any duty of any such operator under that code.

1984 c. 12.

Notice to police.

**11.** Before breaking up or otherwise interfering with any road in connection with the construction of any of the works, the Authority shall (except in a case of emergency) give 14 days' notice to the chief officer of police of their intention so to do.

Diversion of flow of water in certain watercourses.

**12.**—(1) The Authority may by means of Works Nos. 1, 2, 4, 5 and 7 and any works constructed in connection therewith divert, abstract, intercept, stop up or otherwise interfere with the waters or the flow of water in the river Great Ouse or the river Nar and of or in any other watercourse which may be intercepted by the said works or any of them.

1963 c. 38.

(2) The restriction imposed by subsection (1) of section 23 of the Water Resources Act 1963 shall not apply to abstraction of water under subsection (1) of this section.

Power to Authority to improve and regulate flow of watercourses.

**13.**—(1) (a) Subject to the provisions of this Act, the Authority for the purposes of improving or regulating the flow of any of the watercourses which may require improvement or



regulation consequent upon the operation or maintenance of any of the works may—

- (i) widen, dredge, cleanse and scour the watercourse;
- (ii) reduce or remove any shoals, shelves, banks or other accumulations therein;
- (iii) alter or remove or cause to be altered or removed any weirs, sluices or other impediments or obstructions whatsoever therein or on the banks thereof;
- (iv) alter or reconstruct any culvert or other structure therein or on the banks thereof.

(b) Any spoil or other material dredged or removed in the exercise of the powers of this subsection may be deposited on the banks of the watercourse.

(2) The Authority shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise by them of the powers of this section. Any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

(3) The powers conferred on the Authority by this section shall not be exercised in relation to a watercourse under the jurisdiction of an internal drainage board except with the consent of the board concerned and any such consent may be given subject to such reasonable terms and conditions (other than a monetary payment as the consideration for the grant of the consent) as that board may think fit but shall not be unreasonably withheld, and any question as to whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by the Minister of Agriculture, Fisheries and Food.

14.—(1) Subject to the provisions of this Act, for the purpose of constructing, altering, enlarging, repairing, cleaning or examining any of the works the Authority may cause the water in any such work to be discharged into any available watercourse and for that purpose may lay and maintain all necessary discharge pipes and apparatus.

Discharge of  
water into  
streams.

(2) Except in a case of emergency the Authority shall not less than seven days before commencing to discharge water into a watercourse as aforesaid give notice of their intention to the occupier of the land on which the discharge is to be made:

Provided that whenever the Authority propose to discharge water on a number of occasions during a period, the giving by them of a general notice to that effect, accompanied by such particulars as it is reasonably practicable for them to give, shall constitute sufficient compliance by them with the provisions of this subsection.

PART II  
—cont.

1980 c. 66.

(3) In the exercise of the powers conferred by this section the Authority shall do as little damage as may be and shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise of those powers and, for the purposes of this subsection, any extra expenditure which it becomes reasonably necessary for any public authority (including any statutory undertakers within the meaning given in section 329 of the Highways Act 1980) to incur for the purpose of properly discharging their statutory functions shall be deemed to be damage sustained by them. Any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

1945 c. 42.

(4) (a) The Authority shall take all necessary steps to secure that any water discharged by them under this section shall be as free as may be reasonably practicable from mud and silt, from solid, polluting, offensive or injurious matters and from any matter prejudicial to fish or spawn, or to spawning beds or food of fish, and, if they fail to do so, shall be guilty of an offence.

(b) Sections 46 and 47 of the Water Act 1945 shall apply to any such offence as if it were an offence against that Act.

Agreements with owners of land and others for execution of works.

**15.—**(1) The Authority may enter into and carry into effect agreements or arrangements with the drainage board of any drainage district or the owners of or other persons interested in any land in or through which the works are or may be constructed or the drainage of which may be affected by the construction of the works for or with respect to the doing of anything which may be rendered necessary or convenient by reason or in consequence of the exercise of the powers of this Act.

(2) Any such agreement may provide for—

(a) the payment by the Authority of or the making of contributions by them towards the cost incurred or to be incurred by any such drainage board, owners or other persons in or in connection with the doing of any such thing; or

(b) the payment by the Authority of compensation for any injury suffered by such drainage board, owners or other persons by reason or in consequence of the execution by the Authority of the works.

Power to use bed and banks of watercourses.

**16.—**(1) Subject to the provisions of this Act, the Authority may for the purposes of the works enter upon and use so much of the bed or banks of any watercourse as is within the limits of deviation of any of the works shown on the deposited plans and as may be required for those purposes, and they may also for the purposes of executing and placing temporary works and conveniences in connection with the works occupy and use



temporarily so much of such bed and banks within the said limits as may be required for those purposes or any of them.

(2) The Authority shall, not less than seven days before entering upon and using the bed or banks of any watercourse as aforesaid, give notice of their intention to the occupier of the land comprising such bed or banks and shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise by the Authority of the powers conferred by this section, and any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

17. Notwithstanding anything in any enactment or in any rule of law, the Authority may operate the movable flood gates comprised in Work No. 5 to control the flow or level of the river Nar upstream or downstream of the control structure in such manner and for such periods as they think necessary or desirable for the purposes of any of their functions.

Operation of flood gates.

18.—(1) Any person who, without lawful authority, closes or opens or attempts to close or open, the tide flaps or sluice doors comprised in Works Nos. 1, 2 or 7 or the movable flood gates comprised in Work No. 5, or in any other way interferes, or attempts to interfere, with those tide flaps, sluice doors or flood gates or the operation thereof, shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or on conviction on indictment to a fine.

Misuse of flood gates, etc.

(2) A person shall not be guilty of an offence under subsection (1) above as respects any act done in an emergency in order to avoid danger to any person.

19. A person who obstructs any person acting in the execution of this Act or without reasonable excuse pulls up any peg or stake driven into the ground for the purposes of setting out the line, level or site of any works authorised by this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Obstructing execution of Act.

20. In section 90 of the Land Drainage Act 1976—

Grants respecting works.  
1976 c. 70.

(a) in subsection (6), the reference to functions under section 17 (1) (b) or (c) of that Act shall include a reference to functions under this Part so far as relating to the improvement of existing drainage works or the construction of new drainage works;

(b) in subsection (6) (a), the reference to sections 65 and 66 of the Water Resources Act 1963 shall include a reference to Part III of this Act;

1963 c. 38.

PART II  
—cont.  
1976 c. 70.

(c) in subsection (6) (d), the reference to section 33 (4) of the Land Drainage Act 1976 shall include a reference to subsection (2) of section 5 (Subsidiary works), subsection (2) of section 13 (Power to Authority to improve and regulate flow of watercourses), subsection (3) of section 14 (Discharge of water into streams), section 15 (Agreements with owners of land and others for execution of works) and section 16 (Power to use bed and banks of watercourses) of this Act.

Application of enactments relating to land drainage.

21. It is hereby declared that the works, being works to be constructed by the Authority in the performance of their land drainage functions, are drainage works and that in constructing those works and in the exercise of the other powers of this Act the Authority shall have, in addition to the powers of this Act, all such powers as are conferred on them by or under the Land Drainage Act 1976 in relation to drainage works.

Modification of Town and Country Planning Act 1971.  
1971 c. 78.  
S.I. 1977/289.

22. In their application to development authorised by this Part of 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 Part were limited to such development begun within 10 years after the passing of this Act.

Arbitration.

23. Where under this Part of this Act any difference 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.

Tidal works not to be executed without approval of Secretary of State.

24.—(1) A tidal work shall not be constructed, enlarged, renewed or altered, except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

(2) If a tidal work is constructed, enlarged, renewed or altered in contravention of this section or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Authority at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of



30 days from the date when the notice is served upon the Authority they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work, or part of it, and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Authority.

25.—(1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Authority shall forthwith notify the conservancy board and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the conservancy board shall from time to time direct.

Provision against danger to navigation.

(2) If the Authority fail to notify the conservancy board as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

26.—(1) Where a tidal work is abandoned or suffered to fall into decay, the Secretary of State may by notice in writing require the Authority at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

Abatement of works abandoned or decayed.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water, is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Authority, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Authority.

27. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the Authority, or of the site upon which it is proposed to construct the work, and any expenditure incurred

Survey of tidal works.

PART II  
—cont.

by the Secretary of State in any such survey and examination shall be recoverable from the Authority.

Permanent  
lights on tidal  
works.

28.—(1) After the completion of a tidal work, the Authority shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the conservancy board shall from time to time direct.

(2) If the Authority fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Lights on tidal  
works during  
construction.

29.—(1) The Authority shall at or near a tidal work during the whole time of the construction, enlargement, renewal or alteration thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(2) If the Authority fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Saving for  
Trinity House.

30. Nothing in this Part of this Act shall prejudice the powers, rights and privileges of the Trinity House.

For protection  
of conservancy  
board.

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

(1) In this section—

“plans” includes sections;

“the river” means the river Great Ouse;

“specified work” means so much of—

(a) Works Nos. 2, 3, 4, 5 and 7;

(b) the enlargement, renewal or alteration of any of those works;

(c) any subsidiary works in connection therewith carried out under section 5 (Subsidiary works) of this Act;

(d) any works or operations in connection with Works Nos. 2, 3, 4, 5 or 7 carried out in or on any watercourse under section 10 (Temporary stoppage of watercourses, roads, footpaths and



bridleways) or section 13 (Power to Authority to improve and regulate flow of watercourses) of this Act;

as, in relation to the use of the river for navigation, either will impede or contain the tidal flow of the river or may adversely affect the regime of the river:

- (2) (a) For the purpose of ensuring that the works will not, in relation to the use of the river for navigation, more than is reasonably necessary either impede the tidal flow of the river or adversely affect the regime of the river, the Authority shall, except in an emergency, before commencing a specified work submit to the conservancy board for their reasonable approval plans of the specified work showing the general mode of construction or carrying out thereof:

Provided that if the conservancy board do not within 56 days after the receipt of any such plans signify to the Authority their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;

- (b) If the Authority have to construct a specified work in an emergency, they shall immediately inform the conservancy board and shall submit to the conservancy board the plans referred to in sub-paragraph (a) of this paragraph as soon as practicable thereafter:
- (c) If any work referred to in sub-paragraph (b) of this paragraph is such as to affect the main navigable channel of the river, the Authority shall so far as practicable construct that work as a temporary work for the purpose of meeting the emergency and shall after the emergency has passed to the reasonable satisfaction of the conservancy board remove or alleviate the interference with navigation so far as reasonably possible:
- (3) Subject to the provisions of this section a specified work shall not be constructed or carried out except in accordance with such plans as may be approved, or as are deemed to be approved by the conservancy board, or if such approval be withheld as may be settled by the Secretary of State:
- (4) If there shall be any inconsistency between any plans approved or deemed to be approved by the conservancy board under the provisions of this section and the plans approved by the Secretary of State under section 24 (Tidal works not to be executed without

PART II  
—cont.

- approval of Secretary of State) of this Act, the specified work shall be constructed in accordance with the plans approved by the Secretary of State:
- (5) The Authority shall at all reasonable times afford to the duly authorised representative of the conservancy board all reasonable facilities for inspecting a specified work in the course of construction:
- (6) Any difference arising between the Authority and the conservancy board under this section (other than a difference as to the construction of this section or as to the approval of plans under paragraph (3) or under paragraph (4) of this section) shall be determined by arbitration:
- (7) Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of the conservancy board or of the harbourmaster appointed by them in relation to any quays or landing places that are or shall at any time be situated on the works or any of them.

For protection  
of A.B. Ports.

32. For the protection of Associated British Ports (in this section referred to as "A.B. Ports") the following provisions shall, unless otherwise agreed in writing between the Authority and A.B. Ports, apply and have effect:—

(1) In this section—

"the approaches" means the navigable channel of the river downstream of the jurisdiction of A.B. Ports;

"the jurisdiction of A.B. Ports" means the docks of A.B. Ports at King's Lynn together with the limit of 100 yards from any part of the docks authorised by section 39 (Describing works) of the King's Lynn Docks and Railway Act 1865;

"the river" means the river Great Ouse;

"specified work" means—

(a) Works Nos. 1, 2, 3, 4, 5 and 7;

(b) the enlargement, renewal or alteration of any of those works;

(c) any subsidiary works in connection therewith carried out under section 5 (Subsidiary works) of this Act; and

"specified operation" means any operations in connection with and after the completion of Works Nos. 1, 2, 3, 4, 5 or 7 or any of them carried out in or on any watercourse under section 10 (Temporary stoppage of watercourses, roads, footpaths and bridleways), section 13 (Power to Authority to improve and



regulate flow of watercourses) or section 17 (Operation of flood gates) of this Act but does not include any operation carried out for the purposes of normal land drainage.

PART II  
—cont.

(2) (a) If during the construction of a specified work or the carrying out of a specified operation within 5 years after the completion of such construction and in consequence of such construction or carrying out, any accumulation of silt or other material shall be created within the jurisdiction of A.B. Ports or the approaches which shall cause obstruction or danger to navigation, the Authority, if so requested by A.B. Ports before the expiry of the period of 5 years after such completion, shall remove such accumulation of silt or other material and, if they refuse or fail so to do, A.B. Ports may themselves cause the work to be done and may recover from the Authority the reasonable cost thereof.

(b) For the purposes of sub-paragraph (a) above, the date of completion of a specified work shall be the date on which it is brought into use.

(c) Any difference arising between the Authority and A.B. Ports under this paragraph shall be referred to and settled by arbitration.

(3) Upon submitting plans to the conservancy board in accordance with paragraph (2) (a) or (b) of section 31 (For protection of conservancy board) of this Act, the Authority shall submit the like plans to A.B. Ports.

(4) No spoil or other material shall in the exercise of the powers of this Act be deposited on any land owned by A.B. Ports or anywhere within the jurisdiction of A.B. Ports except with the written consent of A.B. Ports; and the Authority shall not deposit spoil or other material elsewhere below the level of high water in the exercise of the said powers except after the expiry of 42 days following written notification of A.B. Ports by the Authority of the Authority's intention in that behalf.

33. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Authority and the undertakers, apply and have effect—

For protection of certain statutory undertakers.

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

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

PART II  
—cont.

1882 c. 56.

“apparatus” means—

(a) mains, pipes or other apparatus belonging to or maintained by the British Gas Corporation;

(b) electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the Eastern Electricity Board;

and includes any structure for the lodging therein of apparatus;

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

“plan” includes a section and description;

“specified work” means any work or thing done under the powers conferred by Part II of this Act;

“the undertakers” means the British Gas Corporation, the Eastern Electricity Board, or either of them, as the case may be:

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Authority shall not, under the powers of this Act, acquire any apparatus otherwise than by agreement:
- (3) The powers conferred on the Authority by paragraph (g) of subsection (1) of section 5 (Subsidiary works) of this Act shall not be exercised in respect of any apparatus otherwise than in accordance with the provisions of this section:
- (4) If the Authority in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation to the reasonable satisfaction of the undertakers:
- (5) (a) If the Authority, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan of the proposed work, and if it is agreed between the Authority and the undertakers or, in default of agreement, determined by arbitration that the removal of the apparatus is reasonably required and that it should be removed the following provisions of this paragraph shall have effect;



- (b) If it is agreed or determined by arbitration in accordance with sub-paragraph (a) above that any apparatus should be removed or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Authority shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying or construction of adequate alternative apparatus in other lands of the Authority and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

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

- (6) (a) Any alternative apparatus to be laid or constructed in lands of the Authority in pursuance of paragraph (5) above shall be laid or constructed in such manner and in such line or situation as may subject to any terms and conditions affecting the facilities and rights obtained for the laying or construction thereof be agreed between the undertakers and the Authority or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of laying or construction and the line and situation of any alternative apparatus has been agreed or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) above, proceed with all reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required to be removed under the provisions of this section and, in default, the Authority may remove the apparatus:
- (7) Notwithstanding anything in paragraph (6) above, if the Authority give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the laying or construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Authority, such work, instead of being executed by the undertakers,

PART II  
—cont.

shall be executed by the Authority with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Authority to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres (12 inches) above the apparatus:

- (8) Where in accordance with the provisions of this section the Authority afford to the undertakers facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the Authority of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Authority and the undertakers, or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be laid or constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Authority for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus laid or constructed through the lands of the Authority for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Authority in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted, are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed,



the arbitrator shall make such provision for the payment of compensation to or by the Authority by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case:

- (9) (a) Not less than 28 days before commencing to execute any specified work which is near to, or is likely to affect, any apparatus the removal of which has not been required by the Authority under paragraph (5) above, the Authority shall submit to the undertakers a plan of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

- (i) if the undertakers, within 14 days after the submission to them of any such plan, shall, in consequence of the work proposed by the Authority, reasonably require the removal of any apparatus and give written notice to the Authority of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Authority under paragraph (5) hereof; and
- (ii) nothing in this sub-paragraph shall preclude the Authority from submitting at any time, or from time to time, but in no case less than 28 days before commencing the execution of any such work, a new plan in lieu of the plan previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan;
- (c) The Authority shall not be required to comply with sub-paragraph (a) above in a case of emergency but, in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) above so far as reasonably practicable in the circumstances:
- (10) If in consequence of the exercise of the powers of this Act the access to any apparatus the removal of which is not required under this section is materially

PART II  
—cont.

obstructed, the Authority shall provide an alternative means of access to such apparatus:

(11) The Authority shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

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

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing reasonably necessary in consequence of the exercise by the Authority of any of the powers of this Act:

1950 c. 39.

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Authority under this paragraph as if the Authority were the promoting authority and works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 33 (For protection of certain statutory undertakers) of the Anglian Water Authority (King's Lynn Tidal Defences) Act 1984":

(12) If by reason or in consequence of the execution, user, or failure of any of the specified works, or any subsidence resulting from any of those works, any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of gas or electricity by the undertakers shall be caused, the Authority shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or in restoring the supply of gas or electricity and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

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



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

PART II  
—cont.

Provided that—

(i) nothing in this paragraph shall impose any liability on the Authority 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 undertakers or their contractors or workmen;

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

(13) The temporary stopping up or diversion of any road, bridleway or footpath under the powers of section 10 (Temporary stoppage of watercourses, roads, footpaths and bridleways) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the road, bridleway or footpath; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that road, bridleway or footpath:

(14) The foregoing provisions of this section shall have effect in lieu of the provisions of section 26 of the Public Utilities Street Works Act 1950 in so far as such provisions would otherwise have effect as regards any specified work in relation to apparatus: 1950 c. 39.

(15) (a) Any difference which may arise between the Authority and the undertakers under this section (other than a difference as to the meaning or construction thereof) shall be settled by arbitration;

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

## PART III

## LANDS

Power to  
acquire lands.

**34.—**(1) Subject to the provisions of this Act, the Authority 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—

- (a) the works or obtaining access thereto;
- (b) obtaining materials for the construction of the works, or depositing spoil or other material excavated during the construction thereof;

or otherwise for the purposes of this Act or other purposes connected therewith.

(2) (a) The powers of the Authority for the compulsory acquisition of lands under this section shall not be exercised after 31st December 1987.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if, before 31st December 1987, notice to treat has been served in respect of that land.

Correction of  
errors in  
deposited  
plans and  
book of  
reference.

**35.—**(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Authority after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the chief executive of the county council of Norfolk, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Authority to take the land or an easement therein (as the case may be) and execute the works in accordance with the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.



**36.—**(1) References in this section to the acquisition by the Authority of new rights are references to the acquisition of rights to be created in favour of the Authority, including rights restrictive of the use of land; and the expression “new right” shall be construed accordingly.

(2) The Authority may, instead of acquiring any land under section 34 (Power to acquire lands) of this Act, acquire compulsorily such new rights as they require over or in the land.

(3) Any new right so acquired shall, as respects the burden of the right, run with the land and be enforceable by the Authority against the estate and interest of every person to or for whom compensation or (where the new right is acquired by agreement) the agreed purchase price is paid and all persons deriving title by, through or under that person without any limit of time and as though, as respects the benefit of the right, (a) the Authority had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the burden of the right and capable of being benefited thereby, and (b) the right was created or imposed by a grant or covenant expressed to be for the benefit of that adjacent land.

(4) Any new right acquired under this section, whether compulsorily or by agreement, shall be a local land charge.

(5) (a) The Authority may give notice to treat in respect of any new right, describing the nature thereof; and the Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory acquisition of new rights under subsection (2) above as they apply to the compulsory acquisition of land so that, in appropriate contexts, references in that 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.

(b) Without prejudice to the generality of paragraph (a) above, in relation to the purchase of new rights in pursuance of subsection (2) above—

- (i) Part I of the Act of 1965 shall have effect with the modifications specified in Schedule 1 to this Act;
- (ii) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

(c) A notice to treat given under this section shall be endorsed with notice of the effect of section 8 of the Act of 1965 as applied by paragraph 2 of Schedule 1 to this Act.

PART III  
—cont.

(6) The Authority may, with or without consideration, release either wholly or partly any new right acquired under this section.

(7) Where the Authority have acquired only a new right over or in any land under this section they shall not be required or, except by agreement or during the execution of the works authorised by this Act, entitled to fence off or sever that land from the adjoining land.

Disregard of  
recent  
improvements  
and interests.

37. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed, or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was, at the time of the erecting, executing or making of the building, works, improvement or alteration, directly or indirectly concerned if the tribunal are satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration (as the case may be) was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Extinction of  
private rights  
of way.

38.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of subsection (1) of section 11 of the Act of 1965, as applied by this Act, whichever is the sooner.

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

1961 c. 33.

Grant of new  
rights by  
persons under  
disability.

39.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the Authority any new right required for the purposes of this Act over or in the lands, not being a new right of water in which some person other than the grantor has an interest.

(2) The provisions of the Act of 1965 with respect to lands and rent-charges, so far as they are applicable, shall extend and apply to any such grant and to any such new right as aforesaid.



40. The powers of the Authority to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act.

PART III  
—cont.  
Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

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

42.—(1) The Authority may enter into and carry into effect agreements with any person being the owner of, or interested in, any land adjoining any portion of the works, or of land which may be acquired by the Authority under this Act, with respect to the sale by the Authority to him (subject to such reservations, restrictions or other provisions as to the Authority seem fit) of any land not required for the works.

Agreements with adjoining owners.

(2) The Authority may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Authority for the purposes of this Act or any new right (within the meaning of subsection (1) of section 36 (Power to acquire new rights only) of this Act) which is so required.

#### PART IV

#### MISCELLANEOUS

43. The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in that Schedule.

Repeals.

44.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Authority to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

Crown rights.

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or

PART IV  
—cont.

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.



## SCHEDULES

Section 36.

### SCHEDULE 1

#### ADAPTATION OF PART I OF THE ACT OF 1965 IN CONNECTION WITH PURCHASE OF EASEMENTS OR RIGHTS

1. In the Act of 1965 (hereafter in this Schedule referred to as "the Act") for section 7 (which relates to compensation) there shall be substituted the following:—

"7.—(1) In assessing the compensation to be paid by the Authority under this Act regard shall be had not only to the extent, if any, to which the value of the land over or in which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words 'land is acquired or taken' there shall be substituted the words 'a right over or in land is purchased' and for the words 'acquired or taken from him' there shall be substituted the words 'over or in which the right is exercisable'." 1973 c. 26.

2. For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—

"8.—(1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over or in land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as 'the relevant land')—

(a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as 'the Tribunal'); and

(b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

SCH. 1  
—cont.

the compulsory purchase order to which the notice to treat relates shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

(3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section a compulsory purchase order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the Authority may at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the Authority to withdraw the notice.

1973 c. 26.

(4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words 'a right over', for the word 'severance' there shall be substituted the words 'right on the whole of the house, building or manufactory or of the house and the park or garden' and for the words 'part proposed' and 'part is' there shall be substituted respectively the words 'right proposed' and 'right is'."

3. The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely:—

- section 9 (4) (failure of owners to convey);
- paragraph 10 (3) of Schedule 1 (owners under incapacity);
- paragraph 2 (3) of Schedule 2 (absent and untraced owners); and
- paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the Authority.

4. Section 11 (Powers of entry) of the Act shall be so modified as to secure that as from the date on which the Authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this



purpose to have been created on the date of service of the notice); and sections 12 (Penalty for unauthorised entry) and 13 (Entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.

SCH. 1  
—cont.

5. Section 20 (Compensation for short-term tenants) of the Act shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

6. Section 22 (Protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) of the Act shall be so modified as to enable the Authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

SCHEDULE 2

Section 43.

ENACTMENTS REPEALED

Chapter (1)	Short title (2)	Extent of repeal (3)
25 & 26 Vict. c. ccxxiii.	The Great Eastern Railway Act 1862.	Sections 172 to 177.
1973 c. xii.	King's Lynn Corporation Act 1973.	The whole Act.

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# Anglian Water Authority (King's Lynn Tidal Defences) Act 1984

## CHAPTER xiv

### ARRANGEMENT OF SECTIONS

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Section

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