



CHAPTER xlix

An Act to empower the London County Council to execute street and other works and to acquire lands, to confer further powers on the London County Council and another authority; and for other purposes.

[1st August, 1962.]

WHEREAS—

(1) It is expedient that the London County Council (hereinafter referred to as “the Council”) should be empowered to execute the works described in Part III of this Act, and to acquire for that purpose the lands described or referred to in Part II of this Act:

(2) By the Metropolitan Board of Works (Various Powers) Act, 1885, provision was made for the establishment, maintenance, working and regulation of a ferry across the river Thames at Woolwich and the construction of works connected therewith, and it is expedient that the said Act should be extended, applied and amended as in this Act provided:

(3) It is expedient that the mayor, aldermen and burgesses of the county borough of West Ham (hereinafter referred to as “the Corporation”) should contribute towards the costs and expenses of the Council in connection with certain of the said works:

(4) It is expedient that the other provisions contained in this Act should be enacted:

(5) The objects aforesaid cannot be attained without the authority of Parliament:

(6) Estimates have been prepared of the cost of carrying out the works to be executed by the Council under Part III of this Act and the acquisition by the Council of lands in connection therewith as provided for in Part II of this Act, and such estimates amount to seven million and ten thousand pounds and six million seven hundred thousand pounds respectively:

(7) The works included in such estimates towards the cost and expenses of which the Corporation are to contribute as aforesaid are permanent works and it is expedient that the Corporation be empowered to borrow money for that purpose as provided by this Act:

(8) Plans and sections showing the lines or situations and levels of the works by this Act authorised and also showing the lands which may be acquired or used compulsorily by the Council for the purposes or under the powers of this Act, and also a book of reference to the said plans containing the names of the owners and lessees, or reputed owners and lessees and of the occupiers of the said lands and describing the same, 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 clerk of the Council and with the town clerk of the county borough of West Ham, which plans, sections and book of reference are in this Act referred to respectively 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, that is to say:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the London County Council (Improvements) Act, 1962.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Protective provisions.

Part V.—Miscellaneous.

Part VI.—Supplemental.

PART I
—cont.

3.—(1) In this Act except as otherwise expressly provided Interpretation.
or unless the context otherwise requires—

“ the Act of 1845 ” means the Lands Clauses Consolidation Act, 1845;

“ the Act of 1885 ” means the Metropolitan Board of Works (Various Powers) Act, 1885;

“ the Act of 1950 ” means the Public Utilities Street Works Act, 1950;

“ the Act of 1961 ” means the Land Compensation Act, 1961;

“ borough ” means a metropolitan borough, and “ the borough ” means the metropolitan borough in relation to which the expression is used;

“ borough council ” means the mayor, aldermen and councillors of a borough, and “ the borough council ” means the mayor, aldermen and councillors of the borough in relation to which the expression is used;

“ the Bow Bridge improvement ” means Works Nos. 1 to 9 (inclusive);

“ Bow Churchyard ” means the churchyard of the church of St. Mary, Stratford-atte-Bow, in the borough of Poplar;

“ the Corporation ” means the mayor, aldermen and burgesses of the county borough;

“ the Council ” means the London County Council;

“ the county ” means the county of London;

“ the county borough ” means the county borough of West Ham;

“ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“ the gas board ” means the North Thames Gas Board and the South Eastern Gas Board or either of them;

“ the improvements ” means Works Nos. 1 to 46 (inclusive) or any of them or any part thereof respectively;

“ land ” or “ lands ” includes land covered with water and any interest in land, and any easement or right in, to or over land;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Act of 1961;

“ the Minister ” means the Minister of Transport;

“ the new ferry works ” means Works Nos. 10 to 14 (inclusive);

PART I
—cont.

“ the port authority ” means the Port of London Authority;

“ reserved area ” means any area for the time being set apart in the improvements for dividing lines of traffic or for separating footway and carriageway or, where no part of the improvements has been laid out as footway, for separating the carriageway from the adjoining lands;

“ the specified part of the Bow Bridge improvement ” means so much of the Bow Bridge improvement as is situate in the county borough;

“ street ” has the meaning assigned to that term in the Highways Act, 1959;

“ the tribunal ” means the Lands Tribunal.

(2) Where in this Act (except in section 24 (which relates to deviation from lines and levels) of this Act) any distance or length is stated in the description of any work, the reference to that distance or length shall be construed as if the words “ or thereabouts ” were inserted after such distance or length.

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

(4) 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.

Incorporation
of Lands
Clauses Acts.

4. The Lands Clauses Acts, except sections 92, 127 to 133, 150 and 151 of the Act of 1845, so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act.

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act, the Council may enter upon, take and use any of the lands delineated on the deposited plans and described in the deposited book of reference for the purposes of or in connection with the improvements and for securing the improvement and development of, and providing space for the erection of houses and buildings on, lands adjoining or near to the improvements, and for the purposes of recoupment, reinstatement or exchange, and for other purposes of this Act or for any of the aforesaid purposes.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to, and to authorise, the purchase by the Council by agreement of any other lands in the county or the county borough which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by the Council for the purposes of, or in connection with, the improvements.

(3) The powers of compulsory acquisition of land under this section shall cease after the expiration of three years from the first day of October, nineteen hundred and sixty-two.

PART II
—cont.

6.—(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 Council, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply, as regards land in the county, to a metropolitan stipendiary magistrate or, as regards land in the county borough, to two justices having jurisdiction in the county borough, for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the magistrate or the justices, as the case may be, that the misstatement or wrong description arose from mistake, he or they shall certify the fact accordingly and shall in his or 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 of the House of Commons and with the clerk of the Council and, as regards land in the county, with the town clerk of the borough in which the land is situate or, as regards land in the county borough, with the town clerk of the county borough 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 Council to take the land and execute the improvement in accordance with the certificate.

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

7.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Act of 1845.

Acquisition of part only of certain properties.

(2) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

(a) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

(b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Council that part of the house, building, factory, park or garden.

PART II
—cont.Agreements
with
adjoining
owners.

8.—(1) The Council may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion, either of the improvements or of land which may be acquired under this Act, with respect to the sale by the Council to him of any land acquired by, or any part of a street or highway vested in, the Council under this Act and not required for the improvements.

(2) The Council may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Council for the purposes of this Act or any easement or right so required.

Power to use
subsoil of
streets.

9. Subject to the provisions of this Act the Council may enter upon, take, use and appropriate so much of the subsoil and under-surface of any public street within the limits of deviation shown on the deposited plans as shall be necessary for the purposes of the improvements without being required to purchase the same or any easement therein or thereunder.

Power to
acquire
easements only.

10.—(1) The Council may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights in or over the land as they may require for the purpose of constructing, using, ~~maintaining, renewing or removing the~~ improvements or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the improvements.

(2) Accordingly the Council may give notice to treat in respect of any such easement or right describing the nature thereof; and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Council have acquired an easement or right only in or over any land under this section—

- (a) they shall not be required or, except by agreement or during the execution of the improvements, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given

under this section requires the Council to acquire the land, the Council shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Council may acquire the land compulsorily notwithstanding that the period mentioned in subsection (3) of section 5 (Power to acquire lands) of this Act, has expired but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

11.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit, subject to the provisions of those Acts, grant to the Council any easement or right required for the purposes of this Act in or over the lands, not being an easement or right of water in which some person other than the grantor has an interest.

Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

12. All private rights of way over any land which may be acquired compulsorily under section 5 (Power to acquire lands) of this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

Extinction of private rights of way.

13. Any person who suffers loss by the extinguishment of any private right of way under any of the following sections of this Act:—

Compensation for extinction of private rights of way.

Section 12 (Extinction of private rights of way);

Section 18 (Power to make subsidiary works, etc.); and

Section 28 (Vesting of sites of streets stopped up);

shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Act of 1961.

PART II
—cont.Power to
enter for
survey or
valuation.

14. Any person acting on behalf of the Council, and duly authorised in that behalf, may on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land which may be acquired compulsorily under section 5 (Power to acquire lands) of this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Council, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier thereof.

Power to
expedite
entry.

15. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Council may enter on and take possession of the land, or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Act of 1845:

Provided that the Council shall pay the like compensation for land of which possession is taken under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

Disregard of
recent
improvements
and interests.

16. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act, the tribunal shall not take into account—

(a) any improvements or alteration made, or building erected, after the fifth day of December, nineteen hundred and sixty-one, or

(b) any interest in the land created after the said date,

which, in the opinion of the tribunal, was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

PART III

WORKS

Power to
execute
works.

17.—(1) Subject to the provisions of this Act, the Council may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, execute the works described in subsection (2) of this section.

(2) The works referred to in subsection (1) of this section are—

PART III
—cont.

In the borough of Poplar and the county borough—

Work No. 1 A new street (to be raised above the existing street levels) incorporating a bridge over the river Lee commencing by a junction with Bow Road at a point twenty-two yards east of the eastern end of the wall of Bow Churchyard and terminating at a point in High Street, Stratford, at the junction thereof with Hunt's Lane;

Work No. 2 A new street incorporating a bridge over the river Lee to form a gyratory system of traffic operation commencing by a junction with Work No. 7 hereinafter described at a point thirty-three yards north-west of the junction of Ammiel Terrace with Bromley High Street, thence proceeding in a westerly, northerly, easterly and southerly direction to and terminating at the point of commencement hereinbefore described;

Work No. 3 A new street incorporating a bridge over the river Lee commencing by a junction with Work No. 2 thirty-five yards east of the junction of Bow Road with the eastern end of Bromley High Street and terminating at a point twenty-five yards south of the junction of Hunt's Lane with High Street, Stratford:

In the borough of Poplar—

Work No. 4 A new street commencing twenty-two yards east of the junction of the northern branch of Bow Road with Old Ford Road and terminating by a junction with Work No. 2 at a point thirty-two yards east of Payne Road;

Work No. 5 An improvement, being in part a widening, of Bow Road commencing at a point on the south side of Bow Churchyard thirty yards east of the junction of Bow Road with the western end of Bromley High Street and terminating by a junction with Work No. 2, at a point seventeen yards west of the junction of Bow Road with the eastern end of Bromley High Street;

Work No. 6 An improvement, being in part a widening on both sides and in part diversions, of Old Ford Road, commencing at a point ninety-three yards south of the junction thereof with Blondin Street and terminating by a junction with Work No. 2 at a

PART III
—cont.

point thirty-five yards north of the junction of Bow Road with the eastern end of Bromley High Street;

Work No. 7 A widening of Bromley High Street on both sides commencing by a junction with Work No. 2 at a point thirty-three yards north-west of the junction of Ammiel Terrace with Bromley High Street and terminating at a point thirty-three yards south of its junction with Ammiel Terrace:

In the county borough—

Work No. 8 A widening of High Street, Stratford, on both sides commencing at the termination of Work No. 1 and terminating at a point eight yards west of the junction of High Street, Stratford, with Sugar House Lane;

Work No. 9 An improvement, incorporating a bridge over the river Lee and including a widening in part on the north side of High Street, Stratford, commencing by a junction with Work No. 2 at a point four yards south of the northern parapet of the bridge carrying High Street, Stratford, over the river Lee, and terminating by a junction with Work No. 1 opposite Hunt's Lane:

In the borough of Woolwich—

Work No. 10 A new pier of openwork construction partly on land and partly over the river Thames, commencing by a junction with Pier Road, North Woolwich, at a point sixty yards east of the junction of Pier Road with Store Road, proceeding in a southerly and an easterly direction for two hundred and ten yards and terminating by a rising and falling stage or platform eighty-seven yards from the northern river wall;

Work No. 11 A new pier of openwork construction over the river Thames commencing by a junction with Work No. 12 hereinafter described, at a point on the river wall one hundred and thirty-three yards westwards of Ferry Approach, proceeding in a northerly and an easterly direction for one hundred and sixty-eight yards and terminating by a rising and falling stage or platform eighty-seven yards northwards of the river wall adjoining Ferry Approach;

Work No. 12 A new street commencing by a junction with Work No. 11 at the commencement thereof and terminating by a junction with Work No. 13 hereinafter described, at a point eight yards north of Rail Place;

Work No. 13 A new street to form a gyratory system of traffic operation commencing at a point on the north side of Woolwich High Street seventy-seven yards westwards of Glass Yard and thence proceeding in a north-westerly, south-westerly, south-easterly and north-easterly direction to and terminating at the point of commencement hereinbefore described;

Work No. 14 A widening of Woolwich High Street on the north side commencing by its junction with Glass Yard and terminating by a junction with Work No. 13 at its commencement and termination:

In the borough of Hammersmith and the royal borough of Kensington—

Work No. 15 A new street (to be raised above the existing street levels) commencing at a point in Westway fifty yards east of the junction thereof with Terrick Street and terminating at a point thirty-seven yards east of Calverley Street and forty-five yards north of Silchester Road;

Work No. 16 A new street (to be raised for part of its length above the existing street levels) commencing by a junction with Work No. 15 at a point sixty yards south-east of the junction of Silchester Road and Walmer Road and proceeding in a northerly, easterly and southerly direction and terminating at the junction of Holland Park Avenue with Holland Road;

Work No. 17 A new street (to be raised above the existing street levels) commencing by a junction with the termination of Work No. 15 and terminating by a junction with Work No. 16 at a point thirty-three yards north of the junction of Bard Road with Pring Street:

In the borough of Hammersmith—

Work No. 18 A new street commencing at the junction of Poynter Street with Norland Gardens and terminating at the junction of Swanscombe Road with Norland Gardens;

Work No. 19 A new street (to be raised above the existing street levels) commencing by a junction with and at a point one hundred and sixty-five yards west of the termination of Work No. 15 and terminating by a junction with Work No. 16 at a point forty-seven yards north-west of the junction of Bard Road with Pring Street;

PART III
—cont.

- Work No. 20 A widening of Wood Lane on the east side commencing at a point one hundred and ten yards north of the junction of Wood Lane with Westway and terminating at a point one hundred and twenty-eight yards south of the said junction;
- Work No. 21 A new street (to be raised for part of its length above the existing street levels) commencing by a junction with and at a point one hundred and eighteen yards from the commencement of Work No. 20 and terminating by a junction with and at a point three hundred and one yards from the termination of Work No. 15;
- Work No. 22 A new street (to be raised for part of its length above the existing street levels) commencing by a junction with and at a point one hundred and sixty-seven yards from the commencement of Work No. 15 and terminating by a junction with Work No. 21 at the commencement thereof;
- Work No. 23 A new street (to be raised for part of its length above the existing street levels) commencing by a junction with and at a point eighty yards from the commencement of Work No. 20 and terminating by a junction with and at a point three hundred and ten yards from the termination of Work No. 15;
- Work No. 24 A new street (to be raised for part of its length above the existing street levels) commencing by a junction with and at a point one hundred and sixty-two yards from the commencement of Work No. 15 and terminating by a junction with and at a point eighty yards from the commencement of Work No. 20;
- Work No. 25 A new street commencing by a junction with Bentworth Road at a point twenty-one yards north of the junction of the eastern end of Bentworth Road with Westway and terminating in Wood Lane by a junction with Work No. 20 at a point forty yards north of the junction of Wood Lane with Westway;
- Work No. 26 A new street commencing by a junction with Bentworth Road at a point ninety yards from the junction of the eastern end thereof with Westway, proceeding in a southerly and westerly direction and terminating at a point fifty-three yards north of the commencement of Work No. 15;
- Work No. 27 A new street commencing by a junction with Latimer Road at a point one hundred yards north-west of the junction thereof with Evesham

Street proceeding in a westerly and northerly direction and terminating by a junction with and at a point sixteen yards from the southern end of Bard Road;

Work No. 28 A new street commencing by a junction with Hume Road at a point seven yards east of its junction with Norland Gardens and terminating fifty-seven yards southwards of the said point by a junction with Norland Gardens;

Work No. 29 A new street commencing in Blechynden Street at a point eighteen yards from the junction thereof with Latimer Road and terminating in Latimer Road twenty-two yards south of the said junction:

In the borough of Lambeth—

Work No. 30 A new street (to be raised above the existing street levels) to form a gyratory system of traffic operation commencing at a point over Bridgefoot one hundred and fifteen yards east of the river wall at Vauxhall Bridge and proceeding in a north-easterly, southerly and north-westerly direction to, and terminating at, its point of commencement herein-before described;

Work No. 31 A new street (to be raised for part of its length above the existing street levels) commencing by a junction with Parry Street at a point fifty-two yards east of the junction of Parry Street and Bondway and terminating by a junction with Work No. 30 at a point ninety-seven yards south of Marble Hall Lane;

Work No. 32 A new street (to be raised above the existing street levels) commencing by a junction with Bridgefoot at a point thirty-five yards east of the river wall at Vauxhall Bridge and terminating by a junction with Work No. 30 at its commencement and termination;

Work No. 33 A new street (to be raised above the existing street levels) commencing by a junction with Albert Embankment at a point sixty-two yards north of the junction of Albert Embankment with Vauxhall Walk and terminating by a junction with Work No. 30 at a point sixty-three yards south of the junction of Albert Embankment with Marble Hall Lane;

Work No. 34 A new street for pedestrian use only commencing by a junction with the footway of South Lambeth Place at a point twenty-four yards south of the junction of Vauxhall Cross with Kennington Lane and terminating by a junction with the footway on the west side of South Lambeth Road at a point thirty-three yards south of the junction of South Lambeth Road with Kennington Lane;

PART III
—cont.

Work No. 35 A new street for pedestrian use only commencing by a junction with the footway on the east side of Albert Embankment at a point twenty-three yards north of the junction of Vauxhall Cross with Kennington Lane and terminating by a junction with the west side of Goding Street at a point twenty yards north of the junction of Goding Street with Kennington Lane;

Work No. 36 A new street to form a gyratory system of traffic operation commencing at a point one hundred and eighty-two yards north-east of the junction of Wandsworth Road with Parry Street and proceeding in a northerly, north-easterly, easterly, southerly and westerly direction to, and terminating at, its point of commencement hereinbefore described;

Work No. 37 An improvement of Wandsworth Road being in part a widening on the western side and in part a narrowing on the eastern side commencing at a point thirteen yards north of the junction of Wandsworth Road with Parry Street and terminating by a junction with Work No. 36 at its commencement and termination;

Work No. 38 A new street commencing by a junction with Vauxhall Bridge on its southern side at a point twenty-seven yards east of the river wall and terminating by a junction with Work No. 36 at a point thirty-seven yards south of Bridgefoot and ninety-five yards east of the river wall;

Work No. 39 A new street commencing by a junction with Vauxhall Bridge on its northern side at a point twenty-two yards east of the river wall and terminating by a junction with Work No. 36 at a point thirty-seven yards north of Bridgefoot and one hundred yards east of the river wall;

Work No. 40 A widening of Albert Embankment on the west side commencing by a junction with Work No. 36 at a point three yards north of Marble Hall Lane and terminating at a point sixty-one yards north of the junction of Albert Embankment with Vauxhall Walk;

Work No. 41 A new street commencing by a junction with Work No. 36 at a point one hundred and thirty-two yards south of the junction of Albert Embankment with Vauxhall Walk and terminating at a point sixty-seven yards north-east of the junction of Albert Embankment with Vauxhall Walk;

Work No. 42 An improvement of Bondway being in part a widening and in part a narrowing commencing at a point thirteen yards east of the junction of

Bondway with Parry Street and terminating by a junction with Work No. 36 at a point fifty yards east of the commencement and termination of the said Work No. 36;

Work No. 43 A widening of South Lambeth Road on the east side commencing at the junction thereof with Lawn Lane and terminating at the junction of South Lambeth Road with Langley Lane;

Work No. 44 A widening on both sides of the carriageway of so much of Kennington Lane as is situate under the bridge carrying the railway of the British Transport Commission over the said street by the incorporation in such carriageway of the footways of the said street;

Work No. 45 A widening of Albert Embankment partly on the east side and partly on the west side commencing by a junction with Work No. 33 and terminating at a point seventy yards north of the junction of Albert Embankment with Glasshouse Walk;

Work No. 46 A widening of Bridgefoot on both sides commencing at the river wall and terminating by a junction with Work No. 32.

(3) In executing the works authorised by this section, and in addition to and not in derogation of any of the powers conferred by this Act, the Council may exercise the like powers in all respects as if the works were being carried out by the Council in the exercise of their powers under section 144 of the Metropolis Management Act, 1855, of making, widening or improving streets.

(4) In the construction of the bridges to be incorporated in Works Nos. 1, 2, 3 and 9 authorised by this section the Council shall erect on each side of each bridge a good and sufficient fence.

18.—(1) Subject to the provisions of this Act, and within the limits of deviation shown on the deposited plans, the Council, in connection with or for the purposes of this Act and as part of the improvements (in addition to the works described or referred to in any other provision of this Act), may execute or do any of the following works or things, that is to say:—

(a) make junctions and communications (including the provision of steps and ramps for the use of pedestrians) with any existing street intersected or interfered with by or contiguous to the improvements, and divert or widen or alter the line or alter the level of any existing street for the purposes of the improvements;

(b) stop up any part of a street which they may consider unnecessary to retain or to throw into the improvements;

(c) raise, sink or otherwise alter the position of any of the steps, areas, cellars, cellar-flaps, pavement lights,

PART III
—cont.

gratings, boundary walls, railings, fencings, windows, sewers, drains, watercourses, pipes, spouts or wires belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit, and the Council shall make compensation to any person who suffers damage by any such alterations, such compensation to be determined in case of dispute by the Lands Tribunal;

- (d) execute any works for the protection or improvement of any adjoining land or buildings;
- (e) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (f) construct any embankments or retaining walls for supporting the improvements;
- (g) execute any works necessary for securing or facilitating the passage of river traffic along the river Lee and under or in proximity to any part of the Bow Bridge improvement.

(2) The Council may, on any lands abutting on the improvements and outside the limits of deviation shown on the deposited plans, execute or do, by agreement with the owners and occupiers of the said lands, any of the works or things referred to in paragraphs (c), (d) and (e) of subsection (1) of this section and any works necessary or convenient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.

Power to
make
subsidiary
ferry works.

19. The Council may in connection with or for the purposes of and as part of the new ferry works from time to time make, provide and maintain in, under or over any of the lands delineated on the deposited plans relating to the new ferry works and described in the deposited book of reference all necessary or convenient bridges, abutments, booms, pontoons, dolphins, buoys, moorings, beacons, fenders, tanks, pumps, conduits, pipes, wires, mains, cables, rails, signals, conveyors, cranes, lifts, hoists, drops, weighbridges, stairs, stages, platforms, landing places, parking areas, approaches, buildings, sheds, offices, depots, roads, walls, fences, gates, works, equipment, machinery and appliances and any other works for or in connection with the new ferry works.

Power to
construct
bridges, etc.,
and to
execute
temporary
works on
railways.

20. Subject to the provisions of this Act, the Council may—
- (a) for the purposes of or in connection with the improvements and within the limits of deviation shown on the deposited plans, construct and execute all such bridges, arches, piers, viaducts, embankments, aprons, tunnels, abutments, wing walls and other works as they may

deem necessary or expedient for carrying the improvements over or under any railway, any stream or water-course (whether tidal or not) or any land, and may for the purpose of and during the execution of the improvements over or under any railway erect, place or execute and maintain upon, over or under such railway all such temporary structures, erections, works, apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon;

- (b) for the purposes of or in connection with the Bow Bridge improvement, construct and execute any bridge or other works of a temporary nature for carrying traffic across the river Lee during the construction of the said improvement as they may consider necessary or expedient and on completion of the said improvement shall remove the said bridge or other works.

21.—(1) Subject to the provisions of this Act, the Council may cause such parts of the improvements to be laid out for carriageway and such parts thereof for footway and such parts thereof for reserved area as they may think proper, and may, upon the lands acquired by them under the powers of this Act and within the limits of deviation shown on the deposited plans, construct, erect and provide all such works and conveniences, including subways (whether for pedestrians or for the accommodation of mains, pipes or wires) as they may think proper for the purposes of or in connection with the improvements.

Carriageway,
footway and
other works.

(2) The provisions of the London County Council (Subways) Act, 1893, and all byelaws for the time being in force thereunder, shall extend and apply to any subway for the accommodation of mains, pipes or wires constructed in the county by the Council under the powers of this Act as well during as after the construction thereof as if any such subway had been included in the expression "subway" in the said Act of 1893, and for the purposes of the application of the said Act of 1893 to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

22. The Council at their own costs and charges may, subject as hereinafter provided, underpin or otherwise strengthen any house or building within one hundred feet of any of the improvements, and the following provisions shall have effect, that is to say:—

Underpinning
of houses near
improvements.

- (1) At least fourteen days' notice shall, except in case of emergency, be given to the owners, lessees and occupiers of the house or building intended to be so underpinned or otherwise strengthened:

PART III
—cont.

- (2) Each such notice shall be served in manner prescribed by section 19 of the Act of 1845:
- (3) If any owner, lessee or occupier of any such house or building shall, within seven days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration:
- (4) The Council shall be liable to compensate the owners, lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section, provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (5) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Council may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which such underpinning or strengthening was done, or within twelve months after the opening for traffic of that work, enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or, in case of dispute between the Council on the one hand and the owner, lessee or occupier of the house or building on the other hand, as shall be settled by arbitration:
- (6) If in any such case as is referred to in the last foregoing paragraph the underpinning or strengthening done by the Council shall at any time within twelve months from the opening for traffic of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution of such work the Council shall make compensation to the owner, lessee and occupier of the house or building for such injury, provided that the claim for compensation in respect thereof be made within one month from the discovery thereof:
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Council from the liability to compensate under section 68 of the Act of 1845, or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be determined under and in accordance with the Act of 1961.

23. There shall by virtue of this Act be vested in the Council—

- (a) all materials and apparatus in, under, upon or over any lands acquired by them under the powers of this Act;
- (b) all lamp-posts, paving, metalling and other materials in, over or under any street or part of a street stopped up, altered or diverted; and
- (c) all materials obtained in the alteration of or interference with any street, sewer or drain in connection with the improvements;

and the Council may appropriate and use or sell or dispose of the same or any of them:

Provided that as regards any matter or thing referred to in this section, where a person, not being a borough council, the Corporation or a person from whom the Council has acquired any interest in the said land, within six months from the date of the vesting as aforesaid proves to the reasonable satisfaction of the Council that immediately before the vesting as aforesaid he was the owner thereof, he shall be entitled to resume ownership thereof and shall comply in such manner and within such period as may be specified, with any direction of the Council concerning the removal of the said matter or thing and if he fails so to comply the Council may appropriate and use or sell or dispose of the said matter or thing in like manner as if they were the owner thereof.

24. In executing the improvements the Council may deviate laterally from the lines or situations thereof to any extent within the limits of deviation shown on the deposited plans relating thereto respectively, and vertically from the levels thereof defined on the deposited sections to any extent not exceeding ten feet upwards and ten feet downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Minister:

Deviation
from lines
and levels.

Provided that nothing in this section shall authorise the Council in constructing the Bow Bridge improvement to construct any bridge with a headway of less than eight feet six inches above the level of mean high-water springs.

25.—(1) The Council may pump any water found by them in the execution of the improvements and may use for the discharge of any such water any available stream or watercourse or any sewer or drain, and for that purpose may, within the limits of deviation shown on the deposited plans, lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, sewer or drain.

Power to
pump water
and use
sewers for
removing
water.

(2) The Council shall not under the powers of this section discharge any water into the river Thames except with the consent

PART III
—cont.

of the port authority and subject to such terms and conditions (including the taking of steps to remove, so far as may be reasonably practicable, from the water so discharged any gravel, soil or other solid substance or matter in suspension) as the port authority may reasonably impose.

Sewers, etc.,
to be
removed,
or filled up.

26. Subject to the provisions of this Act, the Council may cause to be removed or filled up all such sewers, drains or water-courses or parts thereof as shall be in or near the streets to be interfered with for the purposes of the improvements and as shall become unnecessary.

Power to
stop up
streets.

27. Subject to the provisions of this Act, the Council may, for the purposes of and in connection with the improvements, stop up the whole or such portion or portions as they may from time to time think fit of the streets or parts of streets mentioned in the schedule to this Act.

Vesting of
sites of
streets
stopped up.

28. On the stopping up (otherwise than temporarily) of a street or any part of a street under the powers of the last foregoing section of this Act all rights of way over the same and other rights in respect thereof shall be extinguished and the site and soil thereof shall, where situate in the county, vest in the Council and, where situate in the county borough, in the Corporation, so far as such site and soil shall not be already vested in the Council or the Corporation (as the case may be) subject to the payment of compensation, if any, by the Council to any person in respect of the value, if any, of his interest in the site and soil of any part of a street vested in the Council or the Corporation by virtue of this section, such compensation to be determined in case of dispute under and in accordance with the provisions of the Act of 1961, but in assessing such compensation no regard shall be had to any enhancement in the value of any interest in such part due to such stopping up:

Provided that the Council shall not stop up a street or any part of a street under the powers of the last foregoing section of this Act unless they are in possession of all buildings and lands (other than lands forming part of any street) on both sides of the street or part of the street (as the case may be) to be stopped up, or unless, in the case of buildings or lands abutting on and having access to the street which or part of which (as the case may be) is to be stopped up, the Council have maintained or provided reasonable access thereto or therefrom, except so far as the owners, lessees and occupiers of such buildings and lands may otherwise agree.

Power to
stop up ways
temporarily.

29.—(1) Subject to the provisions of this Act, the Council may for the purposes of and during the execution of the improvements stop up, open, break up, interfere with, alter or divert

temporarily all or any part of the carriageway or footway of any street or part of a street or of any subway within the limits of deviation shown on the deposited plans, and may execute and do all necessary works and things for or in connection with such stopping up, opening, breaking up, interference, alteration or diversion, and for keeping such carriageway or footway open for traffic, and may remove or alter any drinking-troughs, lamp-posts, street refuges, lavatories, posts and other erections upon the lands so affected.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any premises in any street of which the carriageway or footway is stopped up, interfered with, altered or diverted under the powers of this section.

30. Where the Council lay out any part of the improvements as a reserved area, and the highway authority being satisfied that it is expedient in the interests of public safety indicate by notices conspicuously placed on such reserved area or in proximity thereto or by the erection of fences that the use by pedestrians, horses, cattle and vehicles of such reserved area or any part thereof is prohibited, any person who shall wilfully walk or otherwise proceed or lead, ride or drive any horse or cattle or vehicle on, over or across any such reserved area or part thereof in contravention of the terms of any such notice or in disregard of any such fence, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

Prohibition of persons, vehicles, etc., on reserved area.

31.—(1) For the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, the route of any of the improvements situate within the county, the Minister, on the application of the Council or the council of the borough in which the improvement is situate, may from time to time authorise the applicant, whether the Council or a borough council, at or in the vicinity of the junction of any street with the improvement to erect or remove—

Power to prevent access to or from improvements.

- (i) barriers for the prevention, prohibition or limitation of access by vehicular or pedestrian traffic to or from such route from or to any such street; or
- (ii) notices prohibiting or limiting such access.

(2) The Council or the borough council concerned (as the case may be) shall give public notice of the making of an application under subsection (1) of this section in such manner as the Minister may direct.

(3) Any person removing or interfering with any such barrier, or removing, defacing or failing to comply with any such notice, shall be liable on summary conviction to a fine not exceeding five pounds.

PART III
—cont.
Prohibiting
interference
with certain
works.

32.—(1) Notwithstanding anything in any other Act to the contrary, it shall not be lawful after the completion of any part of the specified works for any person to enter upon, break up or interfere with such part of the specified works for the purpose of laying down any main, pipe, wire or other apparatus or executing any work whatsoever therein, thereon or thereunder except with the consent of the Council in writing.

(2) In this section the expression “the specified works” means Works Nos. 1, 15, 16, 17, 19, 21, 22, 23, 24, 30, 31, 32 and 33.

Improvements
to form
public streets
and as to
vesting and
repair
thereof.

33.—(1) When any of the improvements is completed a certificate thereof shall be issued under the seal of the Council, and any duly authenticated copy of such certificate shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and that the improvement to which such certificate relates has been completed, and, as regards any of the improvements other than the specified part of the Bow Bridge improvement and Works Nos. 10 and 11, from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriageway, reserved area or footway shall, subject to the provisions of this Act, form part of or constitute the street and may, subject as aforesaid, be used by the public accordingly.

(2) From the date of any certificate issued under subsection (1) of this section—

- (a) so much of the land acquired by the Council for or in connection with the improvements, other than the specified part of the Bow Bridge improvement, as is laid out as carriageway, reserved area or footway shall (subject to the enjoyment by the council of the borough in which the land is situate of all such rights in such land as are usually enjoyed in respect of a street by the highway authority) be and remain vested in the Council;
- (b) the maintenance, repair, paving, draining, cleansing and lighting of so much of the improvements, other than the specified part of the Bow Bridge improvement, as has been laid out as aforesaid (including unless otherwise agreed any subways for pedestrians constructed in connection therewith) shall be under the care, management, control and jurisdiction of the council of the borough in which the same is situate;
- (c) the structure of any viaduct or bridge (including the retaining walls, bridges, parapet walls and railings connected therewith) forming part of any of the improvements, other than the specified part of the Bow Bridge improvement, shall vest in and be maintained by the Council, so however that by agreement between the

Council and the borough council of the borough in which such part of the improvements, other than any part of the Bow Bridge improvement, is situated the said structure may be vested in, or the maintenance thereof may be transferred to, the said borough council.

(3) As regards the specified part of the Bow Bridge improvement, from the date of any certificate issued under subsection (1) of this section—

- (a) so much of the land acquired by the Council for or in connection with the specified part of the Bow Bridge improvement as is laid out as carriageway, reserved area or footway, or as is situate beneath any part of the said carriageway, reserved area or footway which is raised above the existing street levels, shall become and be and remain vested in the Corporation;
- (b) so much of the specified part of the Bow Bridge improvement as the certificate relates to and as has been laid out as carriageway, reserved area or footway shall, subject to the provisions of this Act, become for the purposes of the Highways Act, 1959, a highway maintainable at the public expense and, subject to the provisions of that Act, the Corporation shall be the highway authority therefor;
- (c) such parts of the structure of any viaduct or bridge (including the retaining walls, bridges, parapet walls and railings connected therewith) as are within the specified part of the Bow Bridge improvement shall vest in the Corporation;
- (d) the Council shall repair and maintain the parts of the structures referred to in paragraph (c) of this subsection, and the Corporation shall from time to time repay to the Council the costs and expenses incurred by them in such repair and maintenance.

(4) If within a period of five years after the issue by the Council pursuant to the provisions of this Act of a certificate of the completion of any part of the improvements, any subsidence of that part of the improvements shall occur, the Council may, in their discretion, contribute towards the costs and expenses incurred by the council of the county borough or borough (as the case may be) in which the same is situate in making good that part of the improvements, but nothing in this subsection shall affect any claim which may lawfully be made in respect of such subsidence.

34.—(1) In case of injury to or destruction or decay of the Bow Bridge improvement or any part thereof, so far as the same shall be constructed on, under or over any tidal waters or tidal lands below the level of mean high-water springs, the Council

Provision
against
danger to
navigation.

PART III
—cont.

shall lay down such buoys, exhibit such lights or take such other means for preventing, so far as may be, danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond, and shall apply to the said corporation for directions as to the means to be taken.

(2) If the Council fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding ten pounds, and in the case of a continuing offence to an additional fine not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Permanent
lights on
works.

35.—(1) After the completion of the Bow Bridge improvement the Council shall exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which, after conviction thereof, they so fail.

Lights on
works
during
construction.

36.—(1) The Council shall at or near such part of the Bow Bridge improvement as shall be below the level of mean high-water springs during the whole time of the construction, alteration or extension of the same, exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which, after conviction thereof, they so fail.

Abatement
of work
abandoned
or decayed.

37.—(1) Where any part of the Bow Bridge improvement situate wholly or partially on, under or over tidal waters or tidal lands below the level of mean high-water springs is abandoned, or suffered to fall into decay, the Minister may by notice in writing, either require the Council at their own expense, to repair and restore such part as is situate below the level of mean high-water springs or any portion thereof, or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

(2) Where any part of the Bow Bridge improvement which has been abandoned or suffered to fall into decay is situate above the level of mean high-water springs and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore, the Minister may include any such part or any portion thereof in any notice under this section.

(3) If, during the period of thirty days from the date when the notice is served upon the Council they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Council, and the amount of such expense shall be a debt due from the Council to the Crown, and shall be recoverable, either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

38.—(1) Subject to the provisions of this Act the Bow Bridge improvement shall be constructed so far as the same shall be on, under or over tidal waters or tidal lands below the level of mean high-water springs only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before the said improvement is begun.

Works below
high-water
mark to be
subject to
approval
of Minister.

(2) Any alteration or extension of the said improvement shall be subject to the like approval.

(3) If the said improvement be commenced or completed contrary to the provisions of this section, the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Council and the amount of such cost shall be a debt due from the Council to the Crown, and shall be recoverable, either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

39. If at any time the Minister deems it expedient to order a survey and examination of any part of the Bow Bridge improvement which shall be on, under or over tidal waters or tidal lands below the level of mean high-water springs or of the site upon which it is proposed to construct any such part, the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown, and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

Survey of
works by
Minister.

PART III

—cont.

Lights on
temporary
works in
river
Thames.

40.—(1) The Council shall at or near any part of any temporary work placed or erected by them in the river Thames below the level of mean high-water springs, exhibit and keep burning every night from sunset to sunrise such lights, and take such other steps for the prevention of danger to navigation as the port authority may from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which, after conviction thereof, they so fail.

Damage to or
destruction of
works in
river Thames.

41.—(1) If any work authorised by this Act in the river Thames below the level of mean high-water springs is damaged or destroyed the Council shall lay down such buoys, exhibit such lights or take such other means for preventing danger to navigation as shall from time to time be directed by the port authority and shall apply to the port authority for directions as to the means to be taken.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding ten pounds, and in the case of a continuing offence to an additional fine not exceeding one pound for every day on which, after conviction thereof, they so fail.

Permanent
lights on
river works
in river
Thames.

42.—(1) After the completion by the Council under the authority of this Act of any work in the river Thames the Council shall exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the port authority may from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which, after conviction thereof, they so fail.

Abatement
of works
abandoned
or decayed
in river
Thames.

43. If any work constructed by the Council under the powers of this Act is abandoned or suffered to fall into decay and is either wholly or partially in the river Thames below the level of mean high-water springs or in such other position that it is, or is likely to become, a danger to or interference with navigation or other public rights in the said river, the port authority may by notice in writing require the Council at their own expense either to repair and restore the work or (if the work is no longer required by the Council) to abate or remove the same and restore

the site thereof to its former condition and if, during the period of thirty days from the date on which such notice is served on the Council, they have failed to take steps to comply with such notice, the port authority may abate and remove the work or any part of it and restore the site thereof to its former condition and the port authority may recover from the Council the expense of so doing.

PART III
—cont.

44. Subject to the provisions of this Act the Council may, for the purposes of Work No. 10 and Work No. 11, dredge or deepen the bed of the river Thames within the limits of deviation of the said works shown on the deposited plans and may for such purposes alter or interfere with the bed, banks, soil or foreshore of the river Thames:

Power to dredge.

Provided that no materials raised under the provisions of this section shall be deposited in any place below the level of the highest tide otherwise than in such a position and subject to such restrictions and regulations as may be fixed by the Minister.

45. If the improvements are not completed within five years from the first day of October, nineteen hundred and sixty-two, then, as from the expiration of that period, the powers of the Council under this Part of this Act shall cease except so far as any works are then completed.

Period for completion of improvements.

PART IV

PROTECTIVE PROVISIONS

46. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description 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 on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

47. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Cornwall, nothing contained in this Act shall extend to authorise the Council or a local authority to take, enter upon or interfere with any land (including land covered with water) or water or take away or affect any rights, powers, privileges or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as

Saving rights of Duchy of Cornwall.

PART IV
—cont.

may be duly authorised under section 39 (Proviso for exercise of powers when the Duchy of Cornwall is vested in the Crown) of the Duchy of Cornwall Management Act, 1863, to exercise all or any of the said rights, powers, privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said duchy or as the case may be the consent of the said duke testified in writing under the seal of the Duchy of Cornwall first had and obtained.

Saving for
Bow Church-
yard.

48. Notwithstanding anything in this Act or shown on the deposited plans the Council shall not under the powers of this Act enter upon, take or use any of the lands forming part of Bow Churchyard and numbered on the deposited plans 50 in the metropolitan borough of Poplar.

For protection
of Postmaster-
General.

49.—(1) As soon as practicable after a street has been permanently stopped up or diverted by the Council under the powers conferred by this Act, the Council shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

(2) Where in pursuance of section 18 (Power to make subsidiary works, etc.) or section 27 (Power to stop up streets) of this Act the Council stop up or divert the whole or any portion of a street the following provisions of this subsection shall, unless otherwise agreed in writing between the Council and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a street or portion of a street (in this subsection referred to as “the affected line”) that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (1) of this section unless before the expiration of that period the Postmaster General has given notice to the Council of his intention to remove the affected line or that part thereof, as the case may be;
- (b) The Postmaster General may by notice in that behalf to the Council abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(c) The Postmaster General shall be entitled to recover from the Council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require;

(d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Council and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) The exercise by the Council of the powers conferred by section 29 (Power to stop up ways temporarily) of this Act in relation to any street or subway shall not prejudice or affect the right of the Postmaster General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to, or used by him under, in, upon, over, along or across that street or subway; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon that street or subway or break open that street.

(4) Nothing in section 32 (Prohibiting interference with certain works) of this Act shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

(5) (a) The Council shall in executing so much of Works Nos. 2, 3 and 9 as incorporates a bridge or bridges provide in such bridge or bridges accommodation for the telegraphic lines of the Postmaster General as specified in paragraph (b) of this subsection and shall provide also means whereby the Postmaster General may have access to such telegraphic lines after the same have been laid.

(b) The total amount of accommodation to be provided in pursuance of the foregoing paragraph of this subsection shall be such as will be sufficient for seventy-six ducts each having an external diameter of five inches.

(c) The accommodation and means of access thereto shall be of such nature and in such position or positions as may be agreed between the Council and the Postmaster General taking into account the requirements of other undertakers.

(d) The cost of providing so much of the said accommodation and means of access as is required for twenty-eight ducts shall be borne by the Council. The additional cost reasonably incurred

PART IV
—cont.

by the Council of providing the remainder of the said accommodation and means of access shall be paid to the Council by the Postmaster General in a single payment or in such other manner as may be agreed between the Council and the Postmaster General or in default of agreement settled by arbitration.

(e) Any question or difference which may arise between the Council and the Postmaster General under this subsection other than a question or difference as to the meaning or construction of this subsection shall be settled by arbitration.

(6) In this section the expression “ telegraphic line ” shall have the same meaning as in the Telegraph Act, 1878.

For protection
of port
authority and
river users.

50. For the protection of the port authority and river users the following provisions shall, unless otherwise agreed in writing between the Council and the port authority, apply and have effect:—

(1) In this section—

“ the river ” means the river Thames and, where the context so admits, includes the bed, banks and foreshore thereof within the jurisdiction of the port authority;

“ river works ” means—

(a) any works relating to the construction or maintenance of Work No. 10, Work No. 11 or Work No. 46 or carried out in pursuance of the powers of section 18 (Power to make subsidiary works, etc.), section 19 (Power to make subsidiary ferry works), section 22 (Underpinning of houses near improvements) or section 44 (Power to dredge) of this Act; and

(b) any work relating to a connection with the river made under section 25 (Power to pump water and use sewers for removing water) of this Act; which are situate in, on, over or under the river:

(2) Notwithstanding anything contained in this Act or in the deposited plans or in the deposited book of reference—

(a) no part of Work No. 10 shall be constructed in the river to the southward of a line drawn straight from a point of which the National Grid reference of Ordnance Survey 1954 is easting 543010 and northing 179620 to a point of which the Ordnance reference is easting 543290 and northing 179670;

(b) no part of Work No. 11 shall be constructed in the river to the northward of a line drawn straight from a point of which the National Grid reference of

Ordnance Survey 1954 is easting 543100 and northing 179370 to a point of which the Ordnance reference is easting 543350 and northing 179400;

(c) the Council shall not interfere with the protecting piles and other works in the river marking the outfalls of Clapham relief sewer and Effra relief sewer, and shall not move, interfere with or alter in any way the steps on the north side of Vauxhall Bridge on the east side of the river, which are shown on sheet No. 10 of the deposited plans, except with the consent of the port authority, which consent shall not unreasonably be withheld:

- (3) (a) Before commencing to execute any river works under the powers of this Act, the Council shall submit to the port authority plans, sections and particulars of the river works for their reasonable approval (which approval may be given subject to such reasonable requirements as to the construction of works for the purpose of protecting navigation of the river as the port authority may make) and the river works shall be deemed to be works upon the bed or shores of the river commenced or executed under the direction or with the licence, consent or permission of the port authority within the meaning of section 244 (Certain works to be approved by the Board of Trade) of the Port of London (Consolidation) Act, 1920;
- (b) If the port authority do not within twenty-eight days of the submission to them of any plans, sections or particulars pursuant to this paragraph, intimate to the Council their approval or disapproval thereof, they shall be deemed to have approved the same:
- (4) (a) All river works shall, when commenced, be proceeded with and completed as soon as practicable, and the Council shall upon completion of any part of any permanent river works remove any temporary works and materials for temporary works which may have been erected or placed in, on, over or under the river for the purpose of, or in connection with, such part of such works;
- (b) The river works shall be constructed and maintained and, in the case of temporary works, removed to the reasonable satisfaction of the chief engineer of the port authority for the time being and, in the construction and maintenance thereof, traffic on the river shall not be interfered with more than may be reasonably necessary:
- (5) The Council shall allow an authorised representative of the port authority to inspect and survey all or any of

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- the works constructed in, on, over or under the river, or on lands immediately adjacent thereto, by the Council under the powers of this Act while in course of construction or maintenance, and shall give all reasonable facilities for so doing:
- (6) (a) The Council shall not (except in so far as may be necessary in the construction of the works authorised by this Act) deposit in or take from the river (excluding any part thereof which may be acquired by the Council under this Act) any gravel, soil or other material without the previous consent of the port authority signified in writing under the hand of the secretary of the port authority for the time being;
- (b) Any gravel, soil or other material necessarily removed from the river by the Council during the construction of the river works shall not be allowed to fall into or to be washed into the river:
- (7) (a) Any old pile stumps which may at any time become exposed in consequence of and during the construction of the river works (other than any pile stumps situate on the site of any permanent works) shall be drawn from the river to the satisfaction of the port authority or if it is not reasonably practicable to draw them from the river, shall be cut off at such level below the bed of the river as the port authority may direct;
- (b) If the Council fail to draw from the river any such old pile stump after receipt of a notice in writing from the port authority the port authority may themselves carry out such removal charging the Council with the expense of so doing and the Council shall repay to the port authority all expenses so incurred:
- (8) The port authority shall not be liable in the absence of negligence for any damage or injury to any temporary work in, on, over or under the river authorised by this Act resulting from the dredging operations of the port authority or the carrying out by them in the execution of their statutory powers and duties of any operations in the river or works for the improvement or maintenance thereof:
- (9) The Council shall bear and pay any additional cost to which the port authority may be put in dredging the river as a result of any accumulation of mud or silt which may occur in consequence of the construction by the Council under the powers of this Act of any river work:
- (10) If any river work causes or results in such excessive scouring of the bed of the river as makes it necessary,

in the opinion of the port authority, in the interests of river users and the protection of works in the river, to deposit material in the portion of the river so scoured the Council shall bear and pay to the port authority the expenses incurred by them in obtaining and depositing such material:

- (11) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary works or plant placed by the Council in the river under the powers of this Act except such damage as may arise from the wilful act or default of such owners or masters or their servants or agents:
- (12) The compensation or consideration payable to the port authority by the Council in respect of lands held, taken or used and of all permanent or temporary works placed in the river under the powers of this Act shall be assessed in accordance with the provisions of section 254 (Consideration for licence to be previously approved) of the Port of London (Consolidation) Act, 1920:
- (13) The Council shall bear and pay to the port authority the reasonable cost of any alterations to any existing moorings which in the opinion of the port authority may be rendered necessary or desirable by reason of the execution of any works in the river under the powers of this Act:
- (14) Except as provided by this Act nothing in this Act shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the port authority or alter or diminish any power, authority or jurisdiction vested in the port authority at the commencement of this Act by virtue of the Port of London Acts, 1920 to 1961:
- (15) Nothing in this Act shall authorise the Council to discharge or allow to escape either directly or indirectly into the river or its tributaries any offensive or injurious matter in suspension or otherwise or shall affect the operation of sections 226 to 239 of the Port of London (Consolidation) Act, 1920 (which relate to pollution):
 Provided that this paragraph shall not apply in relation to the alteration or diversion of the outfall of any drain, sewer, channel or watercourse by the Council under the powers of this Act :
- (16) Any difference arising between the Council and the port authority under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

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—cont.
For protection
of Lee
Conservancy
Catchment
Board.

51. For the protection of the Lee Conservancy Catchment Board (in this section referred to as "the board") the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

(1) In this section—

"the engineer" means the engineer to the board;

"protective works" means such works carried out by the Council as are reasonably necessary for the protection from flooding of premises adjacent to the river works;

"the river" means the river Lee and any other river or watercourse connected therewith and includes the beds, banks, shores and the towpath adjacent thereto;

"the river works" means so much of the Bow Bridge improvement and any works and conveniences connected therewith and any temporary works as will be situate over under or within twenty feet measured horizontally from any part of the river, provided that, for the purposes of maintenance, renewal and alteration they shall not include such parts of the Bow Bridge improvement as form part of the public highway:

(2) The Council shall not except in accordance with the provisions of this section enter upon, take and use or interfere with either temporarily or permanently any part of the river:

(3) (a) The Council shall not commence to construct or (except in emergency) alter any of the river works unless and until plans, sections and other necessary particulars of the proposed works shall have been approved by the board or settled by arbitration nor (except in emergency) until the date of the commencement of the proposed works stated in a notice given pursuant to sub-paragraph (b) of this paragraph:

Provided that if the board do not within twenty-eight days after submission to them of any plans, sections or other particulars, signify their disapproval thereof and the grounds of such disapproval the board shall be deemed to have approved thereof;

(b) The Council shall give to the board not less than seven days' notice in writing of the date on which they intend to commence any works the plans, sections and particulars whereof have been approved, or settled by arbitration, in accordance with the provisions of sub-paragraph (a) of this paragraph;

(c) The engineer may at all reasonable times during the construction or alteration of the river works on giving reasonable previous notice, inspect the river works and every reasonable facility shall be afforded to him by the Council for that purpose;

(d) The river works shall be constructed and any alteration thereof shall be carried out in accordance with plans, sections and particulars relating thereto as approved or settled as aforesaid:

Provided that if there shall be any inconsistency between any plans or sections approved or deemed to be approved by the board or settled by arbitration under the provisions of this section and the plans or sections approved by the Minister under section 38 (Works below high-water mark to be subject to approval of Minister) of this Act, the river works shall be constructed in accordance with the plans and sections approved by the Minister:

(4) (a) Any of the river works shall, when commenced, be proceeded with and completed as soon as practicable, and the Council shall, upon completion of any part of any such works, remove any temporary works and materials for temporary works which may have been erected or placed in, on, over or under the river for the purpose of or in connection with such part of such works;

(b) The river works shall be constructed, maintained, renewed and altered and, in the case of temporary works, removed to the reasonable satisfaction of the engineer (and under his supervision if he shall elect to attend), and in such manner as to cause as little interference with the flow in the river as may be:

(5) If at any time the construction, maintenance, renewal or alteration of the river works or the failure or want of repair thereof is causing or likely to cause danger to the river or interruption of the flow of water in the river or risk of loss of water therefrom, the Council shall forthwith execute such further works or take such measures and precautions as the engineer may reasonably require for the purpose of preventing injury to the river or interruption of the flow of water in or loss of water from the river:

(6) (a) During the construction of the river works the Council shall execute and maintain protective works at the prescribed level;

(b) The river works shall be so constructed, maintained, renewed or altered as to ensure that there is an impervious

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protection against flooding at the prescribed level contiguous with the flood works on adjacent lands;

(c) In this paragraph—

“ the prescribed level ” means—

(i) in respect of premises within the limits of the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879, the level shown on the plan prepared under section 7 of that Act; and

(ii) in respect of any other premises the level prescribed or adopted by the board;

“ flood works ” has the meaning assigned to that term in section 2 of the said Act of 1879;

and reference in this paragraph to the protection of any premises from flooding shall be construed as references for the protection of those premises from floods or inundations caused by the overflow of the river Thames or the river:

(7) In the construction, maintenance, renewal or alteration of the Bow Bridge improvement the Council shall—

(a) take all reasonable precautions to prevent the deposit of any solid matter in the river; and

(b) take all necessary steps to secure that any water discharged by them into the river under the provisions of section 25 (Power to pump water and use sewers for removing water) of this Act shall be as free as may be reasonably practicable from mud and silt and from solid, polluting, offensive or injurious matters:

(8) (a) The board and their officers, servants, workmen, contractors and agents shall be entitled at all times to have access, with or without vehicles, mechanical plant or equipment, to the river and to pass and repass along the banks thereof and use such banks for the purpose and for the exercise and discharge of their functions;

(b) So far as they lawfully may the Council shall, from time to time, give to the board and their officers, servants, workmen, contractors and agents such facilities as may be reasonably necessary for the purposes of this paragraph:

(9) The Council shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the board—

(a) by reason of the construction of the river works and any protective works connected therewith; or

(b) by reason of any act or omission of the Council or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the river works and any protective works connected therewith or the maintenance, renewal or alteration thereof ;

and the Council shall indemnify and hold harmless the board from and against all claims or demands arising out of or in connection with the river works, and any protective works connected therewith, or the maintenance, renewal or alteration thereof or any such act or omission as aforesaid, and the fact that any work or thing may have been done in accordance with any requirement of the board, or under the supervision of their engineer, shall not excuse the Council from any liability under the provisions of this section:

Provided that—

(i) this paragraph shall not impose any liability on the Council to indemnify and hold harmless the board in respect of so much of any damage as is attributable to the act, neglect or default of the board and their officers, servants, workmen, contractors and agents;

(ii) the board shall give reasonable notice to the Council of any claim or demand which in the opinion of the board is a claim or demand for which the Council may be liable and no settlement or compromise thereof shall be made without the consent in writing of the Council:

(10) Nothing in this Act shall prejudice, lessen or affect any right, power or jurisdiction of the board under the Lee Conservancy Acts, 1868 to 1938; the Land Drainage Act, 1930, the Rivers (Prevention of Pollution) Act, 1951, or the Land Drainage Act, 1961:

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

52. For the protection of the British Transport Commission (in this section referred to as “the commission”), the following provisions shall, unless otherwise agreed in writing between the Council and the commission, apply and have effect:—

For protection
of British
Transport
Commission.

(1) In this section—

“transport property” means any lands or premises belonging to or occupied by the commission shown

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on the deposited plans, and the railways and waterways of the commission and works connected therewith belonging to the commission or for the maintenance of which they are responsible;

“ the works ” means so much of the works authorised by Part III of this Act as may be situated upon, across, under or over or within fifty feet measured in any direction from transport property, and includes the construction of such works;

“ construction ” includes reconstruction and for the purposes of paragraphs (8), (9), (13) and (15) of this section includes maintenance and repair on or over transport property, but does not include maintenance or repair of the surface of a highway;

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

“ plans ” includes sections and particulars:

- (2) The Council shall not under the powers of this Act (except as provided in this section or in accordance with a requirement of the commission under subsection (4) of section 10 (Power to acquire easements only) of this Act), acquire compulsorily any transport property, but they may, in accordance with the said section 10, acquire such easements and rights in any transport property delineated on the deposited plans as they may reasonably require for the purposes of the works, as if such property were land which the Council were authorised to acquire compulsorily under this Act:
- (3) Paragraph (2) of this section shall not apply to so much of the lands of the commission numbered on the deposited plans 3, 59 and 60 in the borough of Poplar, 72, 76, 224, 226, 227, 236, 238, 279 to 282, 308 to 313, 315, 328, 330, 331, 336 and 337 in the borough of Hammersmith, and 2, 22, 27, 34, 35, 36, 60, 61, 63, 65, 69 and 70 in the borough of Lambeth, as may be reasonably required for the purposes of the works and such land shall cease to be transport property for the purposes of this section upon the service of a notice to treat for the acquisition thereof under section 5 of this Act:

Provided that the Council shall at all times after the acquisition by them of any land referred to in this paragraph afford to the commission such access thereover as is reasonably required by the commission for the purpose of maintaining transport property:

- (4) The Council shall, before commencing the works (other than works of maintenance and repair), furnish to the

commission proper and sufficient plans thereof for the approval of the engineer, which approval shall not be unreasonably withheld, and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if, within twenty-eight days after such plans have been furnished to the commission, the engineer has not intimated his approval or disapproval thereof, he shall be deemed to have approved them:

- (5) If within twenty-eight days after such plans have been furnished to the commission, the commission give notice to the Council that, in consequence of the nature of the works, it is reasonably necessary that the commission should themselves construct any part of the works then, if the Council desire such part of the works to be constructed, the commission shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Council in accordance with the plans approved or deemed to be approved or settled as aforesaid (hereinafter in this section called "the approved plans"), and may recover the reasonable cost of so doing from the Council:
- (6) Upon signifying his approval or disapproval of the said plans, the engineer may specify any temporary or permanent protective works which should be carried out before the commencement of the works to ensure the safety or stability of transport property or protect it from injury or to avoid delay or inconvenience to railway passengers or to traffic on the commission's railways or waterways and such protective works as may be reasonably necessary for those purposes shall be constructed by the commission with all reasonable dispatch and the reasonable cost of such protective works shall be paid by the Council, and the Council shall not commence the construction of the works until the engineer has notified the Council that the protective works have been completed:
- (7) (a) Except with the consent of the commission the Council shall not, in the construction of the works, interfere with any railway station or station entrance or with any railway ventilation outlet or inlet or electricity sub-station or other railway work or with the means of access to any of such works until alternative facilities of the like nature have been provided at the cost of the Council and to the reasonable satisfaction of the commission;

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- (b) On the completion of the construction of such alternative facilities as aforesaid (except where any alternative means of access provided are situate within the boundaries of the improvements), the same shall by virtue of this Act, without any payment or other consideration and without any further assurance, be transferred to and vest in the commission;
- (c) Subject to the provisions of sub-paragraph (a) of this paragraph, the Council may for the purposes of the works acquire, or take possession compulsorily of, the site of transport property in respect of which alternative facilities have been provided as aforesaid:

Provided that if any benefit accrues to the commission by reason of the provision of any such alternative facilities as aforesaid, being facilities afforded by means of mains, pipes, cables or other similar apparatus, there shall be taken into account in assessing the amount of compensation or purchase money to be paid by the Council to the commission for the acquisition of the site of the transport property in respect of which the alternative facilities are provided the benefit so accruing:

- (8) The Council shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, except in cases of emergency, when they shall give such notice as may be reasonably practicable:
- (9) The works (or so much thereof as shall be carried out by the Council) shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage as may be to transport property and as little interference as may be with the conduct of traffic on the railways and waterways of the commission and the use by passengers of any railway property of the commission, and if any damage to transport property or any such interference shall be caused by the works, the Council shall notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the commission the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Council with respect to any damage,

costs, expenses or loss which is attributable to the act, neglect or default of the commission or their servants or agents:

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- (10) The Council shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (11) The commission shall at all times afford reasonable facilities to the Council for access to any works carried out by the commission under this section and shall supply the Council with all such information as they may reasonably require with regard to such works or the method of construction thereof:
- (12) If any alterations or additions, either permanent or temporary, to transport property are reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the works by the Council such alterations and additions may be effected by the commission after notice has been given to the Council and the Council shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing transport property in consequence of any such alterations or additions:

Provided that if the cost of maintaining, working or renewing transport property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving may be set off against any sum payable by the Council to the commission under this section:

- (13) The Council shall repay to the commission all costs, charges and expenses reasonably incurred by the commission by reason of the works—

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

(b) in respect of any special traffic working resulting from any speed restriction which may in the opinion

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of the engineer require to be imposed and which may be due to the construction of the works or from the substitution or diversion of services; and

(c) in additional lighting of transport property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction of the works:

- (14) All temporary structures, erections, works, apparatus and appliances erected or placed by the Council under the powers of section 20 (Power to construct bridges, etc., and to execute temporary works on railways) of this Act upon, over or under any railway or waterway of the commission shall as soon as reasonably practicable be removed by the Council to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to transport property and as little interference with, or interruption to, the traffic on the railway or waterway of the commission as may be and if any damage to transport property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances the Council shall forthwith make good such damage and pay to the commission the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:
- (15) The Council shall be responsible for and make good to the commission all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the commission by reason of any act or omission of the Council or any persons in their employ or of their contractors or others whilst engaged upon the construction of the works and the Council shall effectively indemnify and hold harmless the commission from and against all claims and demands arising out of or in connection with the construction of the works or any act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Council or in accordance with any plan, section or particulars approved by the engineer or in accordance with any requirement by the engineer or under his supervision shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the construction of the works) excuse the Council from any liability under the provisions of this section:

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

- (16) Any additional expense which the commission shall reasonably incur after giving one month's notice thereof to the Council in altering, reconstructing or maintaining the railways or waterways of the commission in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Council to the commission:
- (17) Notwithstanding anything in this Act the Council shall not without the consent of the commission which shall not be unreasonably withheld deviate upwards from the levels of the works as shown on the deposited sections in the lands numbered on the deposited plans 13 and 17 to 20 in the borough of Lambeth or downwards from those levels in the lands numbered on the deposited plans 73 and 77 in the borough of Hammersmith, 13, 17 to 20, 60, 61, 63, 65, 69 and 70 in the borough of Lambeth, and 6 in the borough of Poplar:
- (18) (a) All permanent works authorised by this Act affecting the River Lee Navigation or the Bow Back River shall be so executed and maintained as not to reduce the width or headroom available for navigation or the width of the towpath and no pier or other obstruction shall be placed in the waterway;
- (b) For the purpose of maintaining a means of communication between the towing paths of the River Lee Navigation on the north-west and south-east sides of Bow Road and of preserving vehicular access to Bow Wharf not less than that existing at the passing of this Act, the Council shall, during the construction of the Bow Bridge improvement, provide such temporary access for vehicles as may be reasonably practicable to and from the land of the commission numbered on the deposited plans 3 in the county borough and to and from Bow Wharf by way of Ammiel Terrace and between the said land and wharf and shall, upon the completion of the Bow Bridge improvement, provide, to the reasonable satisfaction of the commission, permanent means of access of the like nature to and from the said land and wharf from and to any highway at ground level comprised in the said improvement:

Provided that the Council may, if it thinks fit, provide to the reasonable satisfaction of the commission any

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such permanent access as aforesaid by such means as will not involve the use of the highways comprised in the improvement:

- (19) (a) If the Council, under the powers of this Act, acquire any part of the lands of the commission numbered on the deposited plans 3, 4 and 9 in the borough of Poplar, they shall construct and thereafter maintain all necessary works to separate and support the remaining part of the commission's said lands from and in respect of Work No. 6 and provide suitable means of road access thereto during the construction of Work No. 6 and permanent road access thereto upon completion of Work No. 6;
- (b) The Council shall repay to the commission all expenses reasonably incurred by them in consequence of replacing the platelayers' hut on a site to be provided by the commission and setting back the railway shunting spur both situate within the said property numbered 3 and any necessary alterations to the commission's permanent way in connection therewith:
- (20) Any pier or other support for the works constructed within the lands of the commission numbered on the deposited plans 73 in the borough of Hammersmith shall be placed in such position as may be reasonably required by the engineer:
- (21) Before constructing any part of the improvements which will involve interference with a stopping place for public service vehicles, the Council shall consult the commission with regard to the provision of a lay-by or other convenient alternative stopping place for such vehicles as part of the improvements:
- (22) In the event of the Council acquiring under the powers of this Act any of the lands in the borough of Lambeth delineated on the deposited plans (whether or not belonging to the commission) and adjoining the viaduct and bridges carrying the railways of the commission at Vauxhall—
- (a) the Council and any successor in title to the Council to such land, and any person claiming through or under the Council or any such successor in title, shall not use or develop such land within a distance of five feet from the said viaduct and bridges or permit it to be used or developed in such a manner as to prevent the commission obtaining such access to the said viaduct and bridges for the purpose of the maintenance and renewal thereof as the commission may reasonably require; and

(b) save for the construction, laying, maintaining and repairing of a public footway no building, erection, structure or excavation shall be constructed, erected or made on or in any part of such lands or the subsoil thereof within a distance of ten feet from the said viaduct or bridges or their foundations without the consent of the commission, but such consent shall not be unreasonably withheld:

- (23) Any difference arising between the Council and the commission under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

53. For the protection of the Metropolitan Water Board (in this section referred to as "the board"), the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

For protection
of
Metropolitan
Water Board.

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

"apparatus" means mains, pipes, valves, hydrants, stopcocks or other apparatus belonging to or maintained by the board, and includes any works constructed for the lodging therein of apparatus;

"in" in a context referring to apparatus, includes under, over, across, along or upon:

- (2) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the Council shall not under the powers of this Act acquire any apparatus compulsorily:
- (3) Where a street in which any apparatus is situated has been permanently stopped up or diverted by the Council under the powers of section 18 (Power to make subsidiary works, etc.), or section 27 (Power to stop up streets) of this Act, the board shall notwithstanding such stopping up or diversion, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up or diversion has ceased to be a street as they would have if it had remained a street, and no such rights shall be extinguished by virtue of section 28 (Vesting of sites of streets stopped up) of this Act, but the board may and if reasonably required by the Council shall—

(a) remove the apparatus and relay or replace it in the street (if any) substituted for the street so stopped up or diverted or in such other position as the board may reasonably determine; or

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(b) provide and lay or place in the street (if any) so substituted or in such other position as aforesaid other apparatus in place of the existing apparatus:

- (4) The Council shall repay to the board the reasonable expenses incurred by the board in or in connection with the carrying out of such works as are referred to in subparagraphs (a) and (b) of the last foregoing paragraph (whether or not the Council have required those works to be carried out) including expenses so incurred in cutting off any apparatus from any other apparatus and in doing any work rendered necessary in consequence of carrying out the said works:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which impose limitations on undertakers' rights to payment), shall so far as applicable extend and apply to any payment to be made by the Council under this paragraph as if the works in respect of which the payment is to be made 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" there were substituted the words "agreed or settled by arbitration under section 53 (For protection of Metropolitan Water Board) of the London County Council (Improvements) Act, 1962":

- (5) The temporary stopping up or diversion of the whole or any part of the carriageway or footway of any street or part of a street under the powers of section 29 (Power to stop up ways temporarily) of this Act, shall not prejudice or affect any right of the board—

(a) to maintain, operate, inspect, repair, renew or remove any apparatus which at the time of the stopping up or diversion is in the carriageway or footway as the case may be; or

(b) for the purpose of such maintenance, operation, inspection, repair, renewal or removal to enter upon, break open or carry out works in that carriageway or footway as the case may be:

- (6) Notwithstanding anything contained in section 30 (Prohibition of persons, vehicles, etc., on reserved area) of this Act, the board, their officers, engineers, workmen and contractors shall be at liberty, at all times, to enter upon the reserved area for the purpose of inspecting, placing, repairing, maintaining, renewing or removing any apparatus situated in, or adjoining, the reserved area:

(7) The Council or a borough council, as the case may be in the case of powers conferred by section 31 (Power to prevent access to or from improvements) of this Act shall so far as is reasonably practicable so exercise those powers as not to obstruct or render less convenient the access to any apparatus:

(8) If by reason or in consequence of the execution by the Council of any works under the powers of this Act any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the board or any interruption in the supply of water by the board shall be caused, the Council shall bear and pay the cost reasonably incurred by the board in making good such damage and shall—

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

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the Council with respect to any damage or interruption which may be attributable to the act, neglect or default of the board or their contractors or workmen;

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

(9) The expenses of all repairs and renewals of any apparatus which may be rendered necessary by reason or in consequence of the construction of any works under the powers of this Act or any subsidence resulting from those works shall be borne by the Council and paid by them to the board:

(10) The Council shall bear and pay any cost reasonably incurred by the board in the reasonable employment of watchmen and inspectors during the execution under the powers of this Act of any work which will or may interfere with or affect any apparatus:

PART IV
—cont.

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

For protection
of gas
boards.

54. For the protection of the gas board the following provisions shall, unless otherwise agreed in writing between the Council and the gas board concerned, apply and have effect:—

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

“ apparatus ” means mains, pipes, valves, syphons, stopcocks, pillars or other apparatus belonging to or maintained by the gas board, and includes any works constructed for the lodging therein of apparatus;

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

- (2) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the Council shall not under the powers of this Act, acquire any apparatus compulsorily:

- (3) Where a street in which any apparatus is situated has been permanently stopped up or diverted by the Council under the powers of section 18 (Power to make subsidiary works, etc.) or section 27 (Power to stop up streets) of this Act, the gas board shall notwithstanding such stopping up or diversion, continue to have the same powers and rights in respect of any apparatus remaining in the land which by reason of the stopping up or diversion has ceased to be a street as they would have if it had remained a street, and no such rights shall be extinguished by virtue of section 28 (Vesting of sites of streets stopped up) of this Act, but the gas board concerned may and if reasonably required by the Council shall—

(a) remove the apparatus and relay or replace it in the street (if any) substituted for the street so stopped up or diverted or in such other position as the gas board may reasonably determine; or

(b) provide and lay or place in the street (if any) so substituted or in such other position as aforesaid other apparatus in place of the existing apparatus:

- (4) The Council shall repay to the gas board concerned the reasonable expenses incurred by the gas board in or in connection with the carrying out of such works as are referred to in sub-paragraphs (a) and (b) of the

last foregoing paragraph (whether or not the Council have required those works to be carried out) including expenses so incurred in cutting off any apparatus from any other apparatus and in doing any work rendered necessary in consequence of carrying out the said works:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which impose limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Council under this paragraph as if the works in respect of which the payment is to be made 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" there were substituted the words "agreed or settled by arbitration under section 54 (For protection of gas boards) of the London County Council (Improvements) Act, 1962":

- (5) The temporary stopping up or diversion of the whole or any part of the carriageway or footway of any street or part of a street under the powers of section 29 (Power to stop up ways temporarily) of this Act shall not prejudice or affect any right of the gas board—

(a) to maintain, operate, inspect, repair, renew or remove any apparatus which at the time of the stopping up or diversion is in the carriageway or footway, as the case may be; or

(b) for the purpose of such maintenance, operation, inspection, repair, renewal or removal to enter upon, break open or carry out works in that carriageway or footway, as the case may be:

- (6) Notwithstanding anything contained in section 30 (Prohibition of persons, vehicles, etc., on reserved area) of this Act, the gas board, their officers, engineers, workmen and contractors shall be at liberty, at all times, to enter upon the reserved area for the purpose of inspecting, placing, repairing, maintaining, renewing or removing any apparatus situated in, or adjoining, the reserved area:

- (7) The Council in the case of the powers conferred by section 22 (Underpinning of houses near improvements) of this Act and the Council or a borough council, as the case may be, in the case of the powers conferred by section 31 (Power to prevent access to or from improvements) of this Act, shall so far as is reasonably

PART IV
—cont.

practicable so exercise those powers as not to obstruct or render less convenient the access to any apparatus:

- (8) If by reason or in consequence of the execution by the Council of any works under the powers of this Act any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the gas board or any interruption in the supply of gas by the gas board shall be caused, the Council shall bear and pay the cost reasonably incurred by the gas board concerned in making good such damage and shall—

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

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the Council with respect to any damage or interruption which may be attributable to the act, neglect or default of the gas board or their contractors or workmen;

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

- (9) The expenses of all repairs or renewals of any apparatus which may be rendered necessary by reason or in consequence of the construction of any works under the powers of this Act or any subsidence resulting from those works shall be borne by the Council and paid by them to the gas board concerned:
- (10) The Council shall bear and pay any cost reasonably incurred by the gas board in the reasonable employment of watchmen and inspectors during the execution under the powers of this Act of any work which will or may interfere with or affect any apparatus:

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

55. For the protection of the undertakers, the following provisions shall, unless otherwise agreed in writing between the Council and the undertakers, apply and have effect:—

For protection
of electricity
undertakers.

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

“ apparatus ” means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the undertakers (not being apparatus in respect of which the relations between the Council and the undertakers are regulated by the provisions of Part II of the Act of 1950) and includes any works constructed for the lodging therein of apparatus;

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

“ in ” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“ the undertakers ” means—

the Central Electricity Generating Board and the London Electricity Board,
or either of them, as the case may be;

“ works ” means the improvements and any other works or things done under the powers conferred by Part III of this Act:

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Council shall not acquire any apparatus under the powers of this Act, otherwise than by agreement:
- (3) If the Council in the exercise of the powers of this Act acquire any interest in any lands in which any apparatus is placed, that apparatus shall not be removed under this section, nor shall any right of the undertakers to maintain, repair, renew or inspect that apparatus

PART IV
—cont.

in those lands be extinguished until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:

- (4) (a) If the Council for the purpose of executing any works in any lands acquired under this Act require the removal of any apparatus placed in those lands, they shall give to the undertakers written notice of such requirement, together with a plan and section of the work proposed and of the proposed position of the alternative apparatus (if any) to be provided;
- (b) If the Council require the undertakers to remove any apparatus or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require to remove any apparatus, the Council shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Council and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the Council are unable to afford such facilities and rights as aforesaid the undertakers shall on receipt of a written notice to that effect from the Council, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (5) (a) Any alternative apparatus to be constructed in lands of the Council in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Council or in default of agreement settled by arbitration;
- (b) The undertakers shall after the alternative apparatus to be provided or constructed shall have 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 the immediately preceding paragraph, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Council to be removed under the provisions of this section:
- (6) Notwithstanding anything in the immediately preceding paragraph if the Council 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 construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Council, such work in lieu of being executed by the undertakers shall be executed by the Council 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 Council to execute the actual placing, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

- (7) Where in accordance with the provisions of this section the Council afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Council 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 Council and the undertakers or, in default of agreement, determined by arbitration:

Provided that if the facilities and rights to be afforded by the Council 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 and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation to or by the Council by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (8) (a) Not less than twenty-eight days before commencing to execute any works which are near to or will or may affect any apparatus the removal of which has not been required by the Council under the said paragraph (4), the Council shall submit to the undertakers a plan, section and description of the works to be executed;
- (b) Such works shall be executed substantially in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable

PART IV
—cont.

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 works:

Provided that if the undertakers within fourteen days after the submission to them of any such plan, section and description shall in consequence of the works proposed by the Council, reasonably require the removal of any apparatus and give written notice to the Council 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 Council under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Council from submitting at any time or from time to time, but in no case less than twenty-eight days before commencing the execution of any such works a new plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

- (c) The Council shall not be required to comply with sub-paragraph (a) of this paragraph 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, section and description of the works as soon as reasonably practicable thereafter, and shall comply with sub-paragraph (b) of this paragraph, so far as reasonably practicable in the circumstances:
- (9) Notwithstanding the stopping up temporarily or permanently of any street, or part of a street, or any subway, under the powers of section 18 (Power to make subsidiary works, etc.), section 27 (Power to stop up streets) and section 29 (Power to stop up ways temporarily) of this Act, the undertakers, their officers, engineers, workmen and contractors shall at all times have such powers and rights (including rights of access) in respect of any apparatus situated in any such street or part thereof or subway, as they had immediately before such stopping up, and shall be at liberty to execute and do all such works and things in, upon or under such street or part thereof, or subway, as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus:

Provided that this paragraph shall not apply in any case in which any street, or part of a street, is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus by or at the cost of the Council:

- (10) The Council shall pay to the undertakers the costs, charges and expenses reasonably incurred by the undertakers in or in connection with the removal, relaying, replacing, alteration or protection of any apparatus and the provision and construction of any new apparatus which may be required in consequence of the execution of any works, less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal):

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which impose limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Council under this paragraph as if the works in respect of which the payment is to be made 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" there were substituted the words "agreed or settled by arbitration under section 55 (For protection of electricity undertakers) of the London County Council (Improvements) Act, 1962":

- (11) The Council shall make compensation to the undertakers—

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses, loss, damages, penalty or costs incurred by the undertakers;
by reason or in consequence of the execution of any such works or otherwise by reason or in consequence of the exercise by the Council of the powers of this Act:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Council with respect to any damage which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Council reasonable notice of any claim or demand which

PART IV
—cont.

may be made against the undertakers and no settlement or compromise thereof shall be made without the prior consent of the Council:

- (12) The Council shall bear and pay any cost reasonably incurred by the undertakers in the reasonable employment of watchmen and inspectors during the execution under the powers of this Act of any work which will or may interfere with or affect any apparatus:
- (13) Nothing contained in section 30 (Prohibition of persons, vehicles, etc., on reserved area) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any reserved area and notwithstanding anything contained in the said section the undertakers, their officers, engineers, workmen and contractors shall be at liberty at all times to enter upon the reserved area for the purpose of inspecting, repairing, maintaining, renewing or removing any apparatus situated in, or adjoining, the reserved area:
- (14) The Council shall so far as is reasonably practicable so exercise the powers conferred by section 31 (Power to prevent access to or from improvements) of this Act as not to obstruct or render less convenient the access to any apparatus:
- (15) Notwithstanding anything contained in section 32 (Prohibiting interference with certain works) of this Act the undertakers may, at all times, enter upon the specified works and execute and do all such works and things necessary for the purposes of inspecting, repairing, maintaining, renewing or removing any apparatus situated in, on or over the specified works:
- (16) Any question or difference arising between the Council and the undertakers under this section shall be settled by arbitration.

For protection
of A. W.
Mellish
Limited.

56. For the protection of A. W. Mellish Limited, their successors and assigns (in this section referred to as "the company") the following provisions shall, unless otherwise agreed between the company and the Council, apply and have effect:—

(1) In this section—

"the company's wharf" means the wharf belonging to the company and forming part of the lands numbered 7 on the deposited plans in the borough of Woolwich;

“ the prescribed dimensions ” means—

(a) in the case of a tug, a length of eighty feet, a beam of twenty feet and a height (measured vertically from truck to waterline) of thirteen feet;

(b) in the case of a barge, a length of seventy-five feet and a beam of twenty feet;

“ the south pontoon ” means the pontoon on the south side of the river Thames authorised by section 14 of the Act of 1885 and all works and conveniences connected therewith;

“ the transitional period ” means the period commencing on the date on which the company are denied access by tug and barge to the company’s wharf by reason of the construction of Work No. 11 and terminating three months after the completion of the construction of Work No. 11:

- (2) The Council shall not under the powers of this Act enter upon, take or use any part of the lands numbered on the deposited plans 7 to 9 in the borough of Woolwich:
- (3) The Council shall give to the company not less than one month’s notice in writing of the date on which they propose to commence the construction of Work No. 11:
- (4) The construction of Work No. 11 shall, when commenced, be carried out with all reasonable dispatch and the Council shall consult the company as to the means to be taken by the Council for the purpose of reducing so far as may be reasonably practicable the interference with river access to the company’s wharf during the transitional period:
- (5) Notwithstanding any other provision of this Act relating to the new ferry works, the Council shall so far as they legally may, ensure (whether by modification or removal of the south pontoon or otherwise) river access to the company’s wharf at times of high water for tugs and barges not exceeding the prescribed dimensions except during the transitional period:
- (6) The provisions of the Lands Clauses Acts with respect to compensation for lands injuriously affected shall in their application to the company extend so as to require the Council to make compensation to the company for injury to so much of their business as is occasioned by reason of the construction of Work No. 11 notwithstanding that no part of the company’s lands is taken by the Council:

PART IV
—cont.

Provided that—

(i) the company shall take all reasonable steps to reduce any such injury; and

(ii) in the assessment of compensation regard shall be had to any facilities which are or may be reasonably available to the company for the reduction of any such injury.

PART V

MISCELLANEOUS

Byelaws.

57.—(1) The Council as respects Works Nos. 15, 16, 17, 19, 21, 22, 23, 24, 30, 31, 32 and 33, and the Council and the Corporation as respects Work No. 1, may make and enforce byelaws for the regulation, control and protection of those works, and of persons resorting to or using the same and for the management, regulation, direction and control of traffic of every description using any of the said works with power to prohibit the passage of particular traffic, including pedestrians, either generally or during particular hours.

(2) For the purposes of section 147 of the London Government Act, 1939, and section 250 of the Local Government Act, 1933, the Minister shall be the confirming authority as respects byelaws made under this section.

Contributions
by
Corporation.

58.—(1) The Corporation shall contribute towards the costs and expenses of the Council in connection with the Bow Bridge improvement and the acquisition of lands for or in connection with that improvement such sums as may be agreed between the Council and the Corporation or as, failing agreement, may be determined by arbitration as being reasonable in all the circumstances.

(2) Any question or difference which pursuant to this section is to be determined by arbitration shall be referred to and determined by a single arbitrator to be agreed upon between the Council and the Corporation or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institute of Chartered Accountants.

Power for
Corporation
to borrow.

59.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for the purposes of section 58 (Contributions by Corporation) of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for the payment of the costs, charges and expenses incurred by the Corporation in connection with this Act;

and, subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part.

PART V
—cont.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the preceding subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

- 60.—(1) The following provisions of the Act of 1885, namely:—
- | | | |
|------------|---|---|
| Section 14 | (Power to establish ferry across the Thames); | Extension,
application
and amend-
ment of
provisions of
Act of 1885. |
| Section 15 | (Facilities for traffic over ferry); | |
| Section 16 | (As to time for working the ferry); | |
| Section 19 | (Board may provide and work ferry boats, &c.); | |
| Section 21 | (Board may permit vessels to use piers or landing places on terms); | |
| Section 22 | (Persons may be appointed to preserve order, &c., at piers); | |
| Section 23 | (Byelaws as to ferry); | |
| Section 24 | (Saving rights of Watermen's and Lightermen's Company); | |

shall extend and apply to the new ferry works and in relation to those works shall have effect as if—

- (a) for references therein to deposited plans and sections and to the amended plan there were substituted references to the plans and sections deposited for the purposes of the new ferry works;
- (b) for the works referred to in the said section 14 there were substituted references to the new ferry works;
- (c) the meaning assigned to the words “the ferry improvements” in section 2 of the said Act of 1885 included the new ferry works;

and in the above-mentioned provisions references to the ferry shall be construed accordingly.

(2) Section 16 (As to time for working the ferry) of the Act of 1885 shall have effect as if after the word “prescribed” therein there were inserted the words “or between such other hours or at such other intervals as the Minister of Transport may, on the application of the London County Council, from time to time determine”.

61. The provisions of Part II of, and the Fourth Schedule to, the Act of 1950 shall apply in relation to the carrying out of the improvements (except as respects Works Nos. 10 and 11 but

Application
of Act of
1950.

PART V
—cont.

including so much of Work No. 10 as will be constructed in Pier Road) and any works and conveniences authorised by section 18 (Power to make subsidiary works, etc.), section 20 (Power to construct bridges, etc., and to execute temporary works on railways), section 21 (Carriageway, footway and other works) or section 22 (Underpinning of houses near improvements) of this Act as if the improvements and the said works or conveniences were works executed for road purposes within the meaning of paragraph (a) of subsection (1) of section 21 of the Act of 1950 and were of the kind referred to in that section:

Provided that for the purposes of such application the provisions of the Act of 1950 shall have effect—

- (a) so as to impose on the Council an obligation before commencing any of the improvements or any of the said works or conveniences to give notice to the gas board concerned and the Metropolitan Water Board under paragraph 2 of the Fourth Schedule to the Act of 1950 together with plans, sections and particulars of the improvements, works or conveniences to be commenced; and
- (b) as if the words in parenthesis in paragraph 3 of the said schedule relating to a road alteration were omitted from that paragraph.

PART VI

SUPPLEMENTAL

Saving for town and country planning.

62. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Notice to commissioner of police.

63.—(1) Before commencing the construction of any works forming part of the improvements so as to involve the temporary closing to vehicular traffic of any street or part of a street either absolutely or to the extent of one-third or more of the width of the carriageway the Council shall give not less than twenty-one days' notice in writing to the commissioner of police of the metropolis of their intention so to do and such notice shall specify the works to which the notice relates and the streets or parts of streets which will be closed in the course of the execution of the works.

(2) The Council shall make such arrangements with the said commissioner as shall be reasonably necessary so as to cause as little interference with vehicular traffic as may be reasonably practicable during the execution of the works.

Arbitration.

64. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference

to which the provisions of the Lands Clauses Acts apply) shall, except as otherwise provided by this Act, be referred to and determined by an arbitrator to be agreed upon between the parties in difference or, failing such agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

PART VI
—cont.

65.—(1) All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the London Government Act, 1939, as the Council may decide. Costs of Act.

(2) The Corporation shall contribute towards the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining of this Act such sums as may be incurred in respect of or in connection with the Bow Bridge improvement as may be agreed between the Council and the Corporation or as, failing agreement, may be determined by arbitration in like manner as is provided by subsection (2) of section 58 (Contributions by Corporation) of this Act.

SCHEDULE

STREETS AND PARTS OF STREETS WHICH MAY BE STOPPED UP

In the borough of Poplar—

So much of Old Ford Road as lies between a point 45 yards or thereabouts north-west of its junction with Wrexham Road and a point 100 yards or thereabouts south-east of that junction and is not within the line of Work No. 6.

So much of Bow Road as lies within the lines of Works Nos. 1 and 2.

So much of Payne Road as lies within the lines of Works Nos. 1 and 4.

So much of Wrexham Road as lies within the line of Work No. 6.

In the county borough—

So much of High Street, Stratford, as lies within the line of Work No. 1.

So much of Hunt's Lane as lies within the lines of Works Nos. 1 and 3.

In the borough of Woolwich—

So much of Rail Place as is not within the lines of Works Nos. 13 and 14.

In the borough of Lambeth—

Marble Hall Lane.

So much of Wandsworth Road as lies between a point 190 yards north-east of its junction with Parry Street and its junction with Vauxhall Cross and does not lie within the lines of Works Nos. 36 and 37.

So much of Vauxhall Walk as lies within the line of Work No. 33.

So much of Spring Gardens Walk as lies within the line of Work No. 33.

Bridgefoot.

Vauxhall Cross.

So much of Bondway as lies within the line of Work No. 31.

In the borough of Hammersmith—

So much of Westway as lies within the lines of Works Nos. 15, 22, 24 and 25.

So much of Bentworth Road as lies within the line of Work No. 25.

So much of Silchester Road as lies within the lines of Works Nos. 15 and 16.

So much of Oldham Road as lies within the lines of Works Nos. 15, 16 and 17.

So much of Latimer Road as lies within the lines of Works Nos. 16,
17 and 19.

SCH.
—cont.

So much of Latimer Mews as lies within the lines of Works
Nos. 16 and 19.

So much of Blechynden Street as lies within the line of Work
No. 17.

So much of Bard Road as lies within the lines of Works Nos. 16,
17 and 19.

So much of Pring Street as lies within the line of Work No. 16.

So much of Hunt Street as lies within the line of Work No. 16.

So much of Stebbing Street as lies within the line of Work No. 16.

So much of Norland Gardens as lies within the line of Work
No. 16.

So much of Boxmoor Street as lies within the line of Work No. 16.

So much of Norland Yard as lies within the line of Work No. 16.

In the royal borough of Kensington—

So much of Silchester Road as lies within the lines of Works
Nos. 15, 16 and 17.

So much of Walmer Road as lies between Silchester Street and
Pamber Street and within the line of Work No. 16.

So much of Oldham Road as lies within the lines of Works Nos. 15,
16 and 17.

So much of Silchester Street as lies within the line of Work No. 16.

So much of Calverley Street as lies within the lines of Works
Nos. 15 and 17.

So much of East Mews Road as lies within the line of Work No. 17.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ..	8 & 9 Vict. c. 18.
Metropolis Management Act, 1855 ..	18 & 19 Vict. c. 120.
Duchy of Cornwall Management Act, 1863	26 & 27 Vict. c. 49.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879	42 & 43 Vict. c. cxcviii.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Metropolitan Board of Works (Various Powers) Act, 1885	48 & 49 Vict. c. clxvii.
London County Council (Subways) Act, 1893	56 & 57 Vict. c. ccii.
Port of London (Consolidation) Act, 1920	10 & 11 Geo. 5 c. clxxiii.
Land Drainage Act, 1930	20 & 21 Geo. 5 c. 44.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
London Government Act, 1939	2 & 3 Geo. 6 c. 40.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act, 1947 ..	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6 c. 42.
Public Utilities Street Works Act, 1950 ..	14 Geo. 6 c. 39.
Rivers (Prevention of Pollution) Act, 1951 ..	14 & 15 Geo. 6 c. 64.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.
Land Drainage Act, 1961	9 & 10 Eliz. 2 c. 48.

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London Bridge Improvements Act, 1962

10 & 11 ELIZ. 2 Ch. 1

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ARRANGEMENT OF SECTIONS

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PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.

PART II

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