

Dartford Tunnel Act, 1957

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CHAPTER xxxiv

An Act to authorise variations of the works authorised by the Dartford Tunnel Acts 1930 and 1937 including the construction of new works to amend those Acts in certain respects to confer further powers in connection with those works and for other purposes.

[31st July 1957.]

WHEREAS by the Dartford Tunnel Acts 1930 and 1937 the county councils of Essex and Kent (hereinafter referred to as "the Councils") were empowered to construct a tunnel for vehicular traffic under the river Thames between Dartford in the county of Kent and the urban district of Thurrock in the county of Essex and to demand and take tolls in respect of traffic passing through or into the said tunnel :

And whereas it would be of public and local advantage if the roads forming the approaches to the said tunnel should be extended and in certain cases constructed on a different line or on a different level from that authorised by the said Acts of 1930 and 1937 and it is accordingly expedient that the Councils should be empowered to construct the works in that behalf authorised by this Act and that certain of the works authorised by the said Acts of 1930 and 1937 or parts of those works should be abandoned :

And whereas it would be of public and local advantage that the other works authorised by this Act should be constructed :

And whereas it is expedient that the Councils should be empowered to acquire lands and easements for the purposes of or in connection with the works authorised by this Act and for other the purposes of the said Acts of 1930 and 1937 and this Act :

And whereas the terms and conditions relating to the contributions to be made by the Minister of Transport and Civil Aviation out of moneys provided by Parliament towards the cost of the works authorised by the said Acts of 1930 and 1937 are set out in the Fifth Schedule to the Dartford Tunnel Act 1930 :

money without the consent of any sanctioning authority will not be increased :

And whereas plans and sections showing the lines or situations and the levels of the works authorised by this Act (such plans showing also the lands which the Councils may acquire or use under the powers of this Act) and a book of reference to the said plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the said lands have been deposited with the respective clerks of the Councils which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

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 :—

1. This Act may be cited as the Dartford Tunnel Act 1957 and the Dartford Tunnel Acts 1930 to 1949 and this Act may be cited together as the Dartford Tunnel Acts 1930 to 1957.

Short title
and
citation.

2.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

Incorporation
of Acts.

The Lands Clauses Acts (except sections 92 127 to 131 and 133 of the Lands Clauses Consolidation Act 1845) Provided that for the purposes of the incorporation of those Acts with this Act the Committee shall be deemed to be a local or public authority referred to in the Acquisition of Land (Assessment of Compensation) Act 1919 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

(2) For the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the said Acts shall be construed to mean the Councils or the Committee and the expression "the railway" in the Railways Clauses Consolidation Act 1845 shall be construed to mean the new works and the expression "the centre of the railway" in the said Act shall be construed to mean any part of the new works.

3.—(1) In this Act unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Act of 1930 or by the Acts wholly or partly incorporated

Interpretation.

the whole of Work No. 3 authorised by the Act of 1937) commencing by a junction with the London to Tilbury trunk road at a point two hundred and ninety yards or thereabouts measured in an easterly direction from Stonehouse Lane and terminating at a point three hundred and ninety yards or thereabouts measured in a southerly direction from the centre of the Tilbury Branch Railway (Eastern Region) of the commission ;

Work No. 2 A road (being in substitution for another part of the said Work No. 1 authorised by the Act of 1930) commencing at the termination of Work No. 1 authorised by this Act and terminating by a junction with the said Work No. 1 authorised by the Act of 1930 at a point six hundred yards or thereabouts measured in a southerly direction from the centre of the said Tilbury Branch Railway ;

In the borough of Dartford in the county of Kent—

Work No. 3 A subway under Work No. 1A authorised by the Act of 1937 commencing and terminating by junctions with Bow Arrow Lane at points respectively one hundred and eighty yards or thereabouts and two hundred and seventy yards or thereabouts eastward of the junction of Bow Arrow Lane with Bayly Road ;

In the parish of Stone in the rural district of Dartford in the county of Kent—

Work No. 4 A widening of Bow Arrow Lane on its northern side between the junction of that lane with Cotton Lane and a point two hundred yards or thereabouts measured in a westerly direction from the said junction ;

In the said borough of Dartford—

Work No. 5 A footpath commencing by a junction with Bow Arrow Lane at a point opposite to the north-western corner of the boundary wall of the Bow Arrow Infectious Hospital and terminating by a junction with the road Work No. 6 authorised by this Act at a point one hundred and twenty yards or thereabouts measured in a northerly direction from the Brent (London to Dover road) ;

Work No. 6 A road commencing by a junction with the Brent (London to Dover road) at a point two hundred and fifty yards or thereabouts measured in a westerly direction from Mile Stone Road and terminating by a junction with the entrance to Brent Close ;

Work No. 7 A bridge carrying the Brent (London to Dover road) over the said Work No. 1A ;

Work No. 8 A bridge carrying Watling Street over the said Work No. 1A together with a raising of the level of that street ;

on the deposited sections as if in relation to the said portion of the tunnel and approach road those sections had been referred to in section 5 (Power to construct works) and section 6 (Power to deviate) of the Act of 1930.

6.—(1) The subway Work No. 3 and the structures of the bridges Works Nos. 7 and 8 by this Act authorised shall be maintained by and at the expense of the Councils. Maintenance of certain works.

(2) The roadway and any drain forming part of the said subway the footpath Work No. 5 and the road Work No. 6 by this Act authorised shall be maintained by and at the expense of the Councils for a period of twelve months beginning respectively with the opening for public use of the said subway footpath or road (as the case may be) and thereafter the said roadway drain footpath and road shall be maintained as highways repairable by the inhabitants at large by and at the expense of the Dartford Corporation.

(3) The functions of maintenance and repair of the roadways over the said bridges Works Nos. 7 and 8 shall be exercised by the Dartford Corporation as if such roadways had been vested in them by section 32 of the Local Government Act 1929.

7. The Councils may as part of the new works execute and do any of the following works or things within the limits of deviation marked on the deposited plans:— Subsidiary works.

(a) make and maintain all such approaches bridges subways roundabouts stairs ramps passages apparatus plant and machinery as may be necessary or convenient ;

(b) make junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any existing streets roads lanes or footpaths intersected crossed or interfered with by or contiguous to any of the new works and divert widen or alter the line or alter the level of any existing street road lane or footpath for the purpose of connecting the same with the new works or any of them or with any existing street road lane or footpath or of crossing under or over the same ;

(c) stop up any street road lane or footpath or part thereof which they may consider unnecessary to retain or to throw into the new works ;

together with all necessary or convenient subsidiary and incidental works :

Provided that in any case in which the Councils are not the owners in possession of all houses and lands (other than land forming part of any street road lane or footpath) on both sides of any street road lane or footpath or of any part thereof stopped up under the powers of this section the owner or occupier of any property abutting on such street road lane or footpath or

temporary means of passage for pedestrians and cyclists between the two parts of Bow Arrow Lane intercepted by such stopping up.

9.—(1) On the stopping up (otherwise than temporarily) of any street road lane or footpath or part of a street road lane or footpath under the powers of this Act all rights of way thereover shall be extinguished and the site and soil thereof shall vest (as respects any street road lane or footpath in the administrative county of Essex) in the Essex Council and (as respects any street road lane or footpath in the administrative county of Kent) in the Kent Council :

Vesting of soil of streets etc. stopped up.

Provided that the site and soil of any street road lane or footpath so stopped up shall not so vest as aforesaid unless the Councils are the owners in possession of all houses and lands on both sides of the street road lane or footpath or the portion thereof so stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

(2) Any person who suffers loss by the extinguishment of any private right of way under this section shall unless he receives compensation therefor under section 7 (Subsidiary works) of this Act or under section 29 (As to private rights of way over lands taken compulsorily) of the Act of 1930 be entitled to be paid by the Councils compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

10. The powers conferred on the Councils by section 8 (Additional subsidiary works) of the Act of 1937 shall extend so as to enable the Councils to stop up so much of any footpath as is interrupted or crossed by the works referred to in that section and the said section 8 shall have effect as if the reference therein to streets roads or lanes and the references therein to a street road or lane included a reference or references to footpaths or to a footpath as the case may be.

Amendment of section 8 of Act of 1937.

11.—(1) For the purpose of facilitating the movement of vehicular traffic along the tunnel approaches and for securing the safety of the public or otherwise the Councils may at the junctions of any existing street road lane or footpath with any of the tunnel approaches erect and maintain walls fences or barriers for the prohibition prevention or limitation of access to or from any of the tunnel approaches or notices prohibiting or limiting such access.

Power to prevent access to or from tunnel approaches.

(2) Any person removing or interfering with any such wall fence barrier or notice or failing to comply with any such notice shall be liable to a penalty not exceeding five pounds for each such offence.

12. The Councils shall abandon the construction of—

(a) so much of Work No. 1 authorised by the Act of 1930 as is situate between the termination of Work No. 3

Abandonment of certain works authorised by Acts of 1930 and 1937.

16.—(1) (a) The following provisions of the Dartford Tunnel Acts 1930 and 1937 shall subject to the provisions of this Act apply and have effect for the purposes of or in connection with the construction of the authorised works and the acquisition of lands and easements under the powers of this Act and for other purposes of this Act as if the said provisions were subject to any necessary modifications in terms re-enacted in this Act (that is to say) :—

Application of certain provisions of Dartford Tunnel Acts 1930 and 1937.

The Act of 1930—

- Section 6 (Power to deviate) ;
- Section 11 (Power temporarily to stop up or interfere with streets) ;
- Section 13 (Underpinning of houses near works) ;
- Section 15 (Power to alter sewers and drains) ;
- Section 16 (Alteration of position of water gas and other pipes) ;
- Section 17 (Power to alter steps areas etc. and execute protective works) ;
- Section 18 (Laying out repair and lighting of works) ;
- Section 19 (Maintenance and lighting of works) ;
- Section 20 (Agreements with government departments and others) ;
- Section 21 (As to closing tunnel and works) ;
- Section 24 (Power to sell materials) ;
- Section 29 (As to private rights of way over lands taken compulsorily) ;
- Section 31 (Benefits to be set off against compensation) ;
- Section 32 (Correction of errors in deposited plans and book of reference) ;
- Section 34 (Persons under disability may grant easements etc.) ;
- Section 35 (Agreements with owners of property) ;
- Section 36 (Purchase of lands by agreement) ;
- Section 37 (Retention and disposal of lands) ;
- Section 38 (Power to lay out streets etc.) ;
- Section 39 (Undertaking to be exempt from rates) ;
- Section 40 (For protection of port authority) ;
- Section 76 (Authentication and service of notices etc.) ;
- Section 77 (Settlement of questions between Councils) ;
- Section 79 (Recovery of penalties etc.) ;
- Section 80 (Exemption from tolls in case of persons in service of Crown etc.) ; and
- Section 84 (Crown rights).

The Act of 1937—

- Section 18 (Reservation of easements etc.) ;
- Section 28 (As to functions of maintenance etc. of roads) ;
- Section 34 (Expenses of Committee) ;
- Section 37 (Legal proceedings) ;

(b) in the case of a park or garden that such part as aforesaid 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 Councils that part of the house building factory park or garden.

19. Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith or shown on the deposited plans—

Power to acquire easements compulsorily in certain cases.

(a) the Councils shall not be required to purchase or take any railway river stream or watercourse or any part thereof respectively which may be crossed or interfered with in constructing Work No. 1 by this Act authorised but may purchase and take and the owners of and other persons interested in such railway river stream or watercourse shall sell such easements and rights in or over the same as the Councils may require for the purposes of or in connection with the said work ;

(b) the Councils may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts with respect to lands as incorporated with this Act shall extend and apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

20. 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 one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Councils 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 Lands Clauses Consolidation Act 1845 :

Power to expedite entry.

Provided that the Councils 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.

21. 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—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-six ; 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.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Councils that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Rochester who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Councils and such sum shall if necessary be apportioned equally according to the number of remains in the grave.

(6) If—

(a) within the said period of two months no such notice as aforesaid is given to the Councils in respect of the remains in a grave ; or

(b) within one month after such notice has been given no application has been made under subsection (4) of this section and the person giving the notice fails to remove the remains ; or

(c) within one month after any order is made under the said subsection (4) the person (not being the Councils) specified in the order fails to remove the remains ;

the Councils may remove the remains of the deceased person and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as the Councils think suitable for the purpose but in the case of a churchyard the previous consent of the incumbent of the parish shall be required.

(7) All memorial stones relating to the remains of any deceased person removed under this section shall at the expense of the Councils be removed and replaced at the place of reinterment of such remains or at such place as the said bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Councils and the Councils shall cause to be made a record of such memorial stones and of their situation when replaced showing the particulars respecting each memorial stone as a separate entry and such record shall be deposited with the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough of Dartford.

26. The time limited by the Dartford Tunnel (Extension of Time) Act 1949 for the completion of the following works :—

(a) the tunnel and the works subsidiary or incidental thereto authorised by the Act of 1930 ;

Extension of time for completion of works.

31.—(1) Not more than twelve nor less than six months before the expected date of the opening for public traffic of the tunnel and the tunnel approaches the Councils shall submit to the Minister a schedule of tolls which they propose shall be prescribed by him pursuant to subsection (1) of section 67 (Tolls) of the Act of 1930.

Notice of prescription or revision of tolls.

(2) Before the Minister prescribes a variation in any schedule of tolls previously prescribed by him he shall send to the Councils a copy of the schedule as proposed to be varied.

(3) As soon as may be after the receipt by the Minister of a representation pursuant to section 68 (Revision of tolls) of the Act of 1930 from any body or person other than the Councils or the Committee the Minister shall send a copy of the representation to the Councils.

(4) Before the Councils submit the schedule of tolls to the Minister pursuant to subsection (1) of this section or the Councils or the Committee make any representation to the Minister under the said section 68 and as soon as may be after the receipt by the Councils under subsection (2) of this section of a copy of the schedule as proposed to be varied or under subsection (3) of this section of a copy of any representation made to the Minister pursuant to the said section 68 the Councils shall publish in the London Gazette and in such one or more newspapers as the Minister may specify a notice stating—

- (a) the fact that the schedule is about to be submitted to or varied by the Minister or that a representation is about to be or has been made to the Minister (as the case may be) and in the case of a variation or representation the general effect thereof;
- (b) the place or places at which copies of the proposed schedule or the representation (as the case may be) may be inspected free of charge and copies thereof purchased and the price of such copies;
- (c) the date (being forty-two days after the first publication of the notice) by which objections to the proposed schedule or the representation (as the case may be) may be made in writing to the Minister.

(5) If any objection to any such proposed schedule or any such representation is duly made in accordance with the foregoing provisions of this section by the Councils or the Committee or any representative body of traders or of owners or users of vehicles or any person appearing to the Minister to have a substantial interest and such objection is not withdrawn the Minister shall before exercising his powers of prescribing tolls under subsection (1) of the said section 67 or making an order under the said section 68 cause a public inquiry to be held.

things and make all such arrangements as may be requisite for or incidental to the provision and maintenance of such vehicles and the operation thereof for the purpose aforesaid :

Provided that the Councils shall not themselves provide maintain and operate any vehicles under the powers of this subsection without the consent of the commission but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(2) Section 72 of the Road Traffic Act 1930 shall not apply in relation to the use into along or through the tunnel for the purposes of this section of vehicles provided thereunder and notwithstanding anything in subsection (8) of the said section 72 a road service licence shall not be required in respect of the provision of services of vehicles under this section.

(3) (a) The Councils on the one hand and any other company body or person on the other hand may enter into and carry into effect agreements for the transfer to and exercise by any such other company body or person subject to such terms and conditions as may be agreed of all or any of the powers conferred upon the Councils by this section and subject to the provisions of this Act and to the terms of any such agreement such company body or person may exercise the powers so transferred to them :

Provided that the Councils shall not enter into any such agreement with any company body or person other than the commission without the consent of the commission but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(b) Any such agreement may make provision as to the payments to be made by either party thereto to the other party.

(4) (a) Notwithstanding anything in section 68 of the Road Traffic Act 1930 the Minister may by order provide that any vehicle or vehicles provided for the purposes of this section need not comply with such one or more of the prescribed conditions of fitness for the time being in force by virtue of that section as may be specified in the order and in relation to any such vehicle or vehicles may by any such order modify the said prescribed conditions of fitness or substitute such alternative conditions if any as he may think fit.

(b) While any order made by the Minister under paragraph (a) of this subsection is in force the references in the said section 68 and in section 71 of the Road Traffic Act 1930 to prescribed conditions of fitness shall in relation to any such vehicle or vehicles as aforesaid be construed as being references to the said conditions as modified by such order or to the alternative conditions substituted therefor (as the case may be).

and tandem cycles which are not mechanically propelled through the tunnel or the tunnel approaches as defined by section 3 (Interpretation) of the Dartford Tunnel Act 1957 or any part thereof unless he is satisfied that during any period during which such passage is prohibited a satisfactory service under section 34 (Provision and operation of services for transporting cyclists through tunnel) of the said Act of 1957 or otherwise will be provided for carrying such bicycles tricycles and tandem cycles and the persons riding thereon or carried thereby into along and through the tunnel and the said tunnel approaches or (as the case may be) the part thereof through which such passage is prohibited."

(3) The Act of 1937 shall be amended as follows:—

(a) In section 23 (Restriction on use of tunnel) the following subsection shall be substituted for subsection (4) of that section:—

"(4) In and for the purposes of this section the expression "the tunnel" includes (in addition to the tunnel) the tunnel approaches as defined by section 3 (Interpretation) of the Dartford Tunnel Act 1957 and in this section references to "the tunnel" include references to any part of the tunnel or the said tunnel approaches (as the case may be)";

(b) In and for the purposes of section 31 (Special constables) the expression "the tunnel" shall include (in addition to the tunnel) the tunnel approaches; and

(c) In section 34 (Expenses of Committee) for the words "fifty pounds" in paragraph (c) of subsection (2) of that section there shall be substituted the words "one hundred pounds".

38. If and when the Committee is abolished all or any of the powers conferred upon the Committee by the Dartford Tunnel Acts 1930 to 1957 may to the extent to which such powers could have been exercised by the Committee if it had not been abolished be exercised by the Councils.

Exercise by Councils of powers of Committee on abolition of Committee.

39.—(1) Where in pursuance of the powers to divert and stop up streets roads lanes and footpaths conferred by section 7 (Subsidiary works) or by section 8 (Stopping up of roads and footpaths) of this Act any street road lane or footpath or part of a street road lane or footpath is stopped up the following provisions shall unless otherwise agreed in writing between the Councils and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such street

For protection of Postmaster-General.

respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any part of any street road lane or footpath has been stopped up the Councils shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) Any electrical works machinery plant or apparatus made provided erected or maintained under the powers of this Act shall be so made provided or erected and so maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(4) Nothing in section 15 (No sewers mains or pipes to be laid in tunnel or tunnel approaches) 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 1954 to lay or maintain telegraphic lines (a) in the accommodation provided in the tunnel pursuant to subsection (2) of section 23 (For protection of Postmaster-General) of the Act of 1930 or (b) in under along or across the tunnel approaches.

(5) (a) Subject to the provisions of paragraph (b) of this subsection the Councils shall at a depth of two feet below the surface of the carriageways or at a depth of one foot two inches below the surface of the footways of the bridges being Works Nos. 7 8 and 10 authorised by section 4 (Power to construct works) of this Act provide in the said bridges for the accommodation of the telegraphic lines of the Postmaster-General a space not less than two feet six inches in width and two feet six inches in depth as regards Works Nos. 7 and 10 and a space not less than one foot six inches wide by two feet deep as regards Work No. 8.

(b) The accommodation to be provided by the Councils under paragraph (a) of this subsection may be of such dimensions other than the dimensions specified in the said paragraph (a) affording a cross-sectional area of six and one-quarter square feet as regards each of the said Works Nos. 7 and 10 and a cross-sectional area of three square feet as regards the said Work No. 8 as may be agreed between the Postmaster-General and the Councils or failing agreement be determined in manner provided by section 6 of the Telegraph Act 1878 The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General :

Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Councils his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

they shall be deemed to have approved such particulars plans sections and drawings and such works may be carried out in accordance therewith.

(6) The Councils shall in executing any works under the powers of the Dartford Tunnel Acts 1930 to 1957 take all such precautions as the board may reasonably require for preventing any injury to any of the board's works.

(7) All such works of the Councils as are referred to in subsection (3) of this section shall be executed under the superintendence (if after reasonable notice from the Councils the same be given) and to the reasonable satisfaction of the engineer to the board.

(8) The Councils shall be responsible for and make good all damage which may be occasioned to any of the board's works in consequence of the execution of any of the works authorised by the said Acts or any works in connection therewith (in this subsection called "the Councils' works") either (a) during the construction of the Councils' works or (b) within one year after the completion of the Councils' works and shall also be responsible for and make good all damage which may be occasioned to any watercourse forming part of the board's works within five years from the completion of the Councils' works through the settlement of any embankment forming part of the Councils' works or movement of soil due to any such embankment if such settlement or movement can be shown to be attributable to the special nature of the subsoil:

Provided that the board may at their option themselves carry out any works reasonably required to be carried out for the purpose of making good any such damage to the board's works and the reasonable cost incurred by the board in carrying out such works shall be paid by the Councils.

(9) If any difference shall arise between the board and the Councils under the provisions of this section the matter in difference shall be determined by arbitration.

41.—(1) For the protection of the Dartford Corporation the following provisions of this section shall unless otherwise agreed in writing between the Councils and the Dartford Corporation apply and have effect.

For protection
of Dartford
Corporation.

(2) In this section—

"the balancing tank" means the open reservoir adjoining the southern river training embankment of the river Thames at Little Powder Creek;

"the Dartford engineer" means the engineer and surveyor of the borough of Dartford;

"the sewerage works" means the following works:—

(i) sewers for carrying the sewage from the soil sewers of the Dartford Corporation existing at the

existing manhole situate thirty-nine yards or thereabouts south-eastward of the south-eastern corner of the house known as No. 94 Attlee Drive Dartford and running in a northerly and north-westerly direction to a point on the western side of Marsh Street opposite Joyce Green Cemetery thence in a northerly and easterly direction to the western end of an open ditch forming the southern and eastern boundaries of the works of the West Kent Main Sewerage Board and proceeding as such open ditch and terminating in the balancing tank.

(3) The Councils shall construct and complete the road Work No. 6 by this Act authorised before commencing the construction of that part of the road Work No. 1A authorised by the Act of 1937 as is situate between the Brent and Bow Arrow Lane.

(4) The Councils shall construct and complete the footpath Work No. 5 by this Act authorised before completing the said road Work No. 1A.

(5) The Councils shall to the reasonable approval of the Dartford Corporation surface the subway Work No. 3 by this Act authorised and construct or place therein any drains pipes lines or apparatus reasonably necessary for draining it and lighting it with artificial light.

(6) In constructing the bridges Works Nos. 7 and 8 by this Act authorised the Councils before cutting or interfering with the said existing surface water sewer in the Brent or the said existing soil sewers in the Brent and Watling Street shall (subject as provided in subsection (9) of this section) construct at their own expense the sewerage works other than so much of the surface water sewer referred to in paragraph (v) of the definition of "the sewerage works" in subsection (2) of this section as is situate between Watling Street and the Brent and before cutting or interfering with the said existing surface water sewer in Watling Street shall at the like expense construct such last-mentioned portion of the surface water sewer referred to in the said paragraph (v) :

Provided that the Dartford Corporation shall contribute to the cost of the sewerage works a sum equal to the cost of constructing a sewer with an internal diameter of twenty-seven inches between the said manhole to be constructed in Bow Arrow Lane and the southern end of the Temple Hill sewer.

(7) (a) Not less than two months before commencing to construct—

(i) the said footpath Work No. 5 or the said road Work No. 6 ; or

(ii) before carrying out any work in connection with the construction of the said bridges Works Nos. 7 and 8 which necessitates the cutting of or interference with the said existing surface water and soil sewers in the Brent and Watling Street or any of such sewers ;

of the work to which the notice relates the notice shall be given before the expiration of two months after the submission of such plans sections and particulars.

(10) The Dartford Corporation shall on completion of the sewerage works to their reasonable satisfaction other than any works constructed or to be constructed by the Dartford Corporation pursuant to the last foregoing subsection repay to the Councils the sum which pursuant to the proviso to subsection (6) of this section the Dartford Corporation are required to contribute to the cost of the sewerage works.

(11) The sewerage works shall be maintained by and at the expense of or in the case of any part of the sewerage works which shall have been constructed by the Dartford Corporation at the expense of the Councils for a period of twelve months after completion of the sewerage works and the sewerage works shall then vest without payment in the Dartford Corporation and shall for all purposes be deemed to have been constructed by them under section 15 of the Public Health Act 1936.

(12) The Dartford Corporation shall have access at all times to the sewerage works for the purposes of inspecting maintaining repairing renewing and using the same.

(13) The Councils shall repay to the Dartford Corporation the reasonable costs and expenses incurred by them in any year in—

- (a) providing any artificial lighting which may reasonably be required in the said subway Work No. 3 during every twenty-four hours of the day and maintaining the apparatus provided for that purpose;
- (b) inspecting maintaining and repairing any drain used solely for draining the said subway;
- (c) maintaining repairing and renewing the pumping station referred to in paragraph (iv) of the definition of "the sewerage works" in subsection (2) of this section and the pumps and machinery therein; and
- (d) operating the said pumping station.

(14) Notwithstanding anything contained in the Dartford Tunnel Acts 1930 to 1957—

- (a) the Councils shall not discharge any sewage into a surface water sewer of the Dartford Corporation nor any surface water into a soil sewer of the Dartford Corporation ;
- (b) the Councils shall not connect any drain sewer pipe gulley channel ditch or watercourse with a sewer or drain of the Dartford Corporation except in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Dartford Corporation :

compromise the same without the prior agreement of the Councils.

(17) Any difference which may arise between the Councils and the Dartford Corporation under this section shall be settled by arbitration.

42.—(1) For the protection of the Thurrock Urban District Council (in this section referred to as “the district council”) the following provisions of this section shall unless otherwise agreed in writing between the Councils and the district council apply and have effect.

For protection
of Thurrock
Urban District
Council.

(2) (a) Subject as provided in paragraph (b) of this subsection no pile used in connection with Work No. 1 by this Act authorised shall be driven within fifteen feet of any sewer of the district council.

(b) If it should be reasonably necessary to drive any pile used in connection with the said Work No. 1 within fifteen feet of the position of any existing sewer of the district council the Councils shall before commencing to drive any such pile divert such sewer to the reasonable satisfaction of the district council.

(c) The diverted portion of such sewer (in this section called “the diverted sewer”) shall be constructed of cast iron pipes supported on concrete and piles.

(d) The extent of the said sewer to be so diverted and the line to be taken by the diverted sewer shall be such as may be reasonably required by the district council for the purpose of ensuring the due flow of sewage in the sewer and preventing all risk of injury to the sewer by reason of anything done in the construction maintenance and use of the said Work No. 1.

(e) In executing the said diversion the Councils shall provide and construct such means of access for inspection repair and renewal of the diverted sewer as may be reasonably required by the district council.

(3) The Councils shall not acquire or interfere with any right which the district council may have in over or along the lands numbered 17 in the urban district of Thurrock on the deposited plans.

(4) The Councils shall to the reasonable satisfaction of the district council make all such temporary arrangements and construct all such temporary works (if any) as may be necessary for preventing any interruption or retardation of the flow of sewage in the sewage system of the district council during and as a result of the said diversion.

(5) The diverted sewer and all works apparatus and equipment in connection therewith to be constructed or provided by the Councils in pursuance of the provisions of this section shall forthwith become and be the property of the district council but shall be maintained in a good and sound condition

water) of the Act of 1937 and section 13 (Power to pump water and use sewers for removing water) of this Act the Councils shall not make any connection with a sewer belonging to the West Kent Main Sewerage Board or to a sewer or drain communicating with a sewer of the said board except with the consent of that board in writing and in accordance with such terms and conditions as that board may reasonably attach thereto but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be determined by arbitration.

(2) (a) The consent of the Councils under section 15 (No sewers mains or pipes to be laid in tunnel or tunnel approaches) of this Act to the breaking up of and interference with the portions of the tunnel approaches mentioned in paragraph (b) of this subsection or the carriageways or footways thereof for the purpose of the construction across but not along the line of the said portions of the tunnel approaches and maintenance by the West Kent Main Sewerage Board within the West Kent Main Sewerage District of such main sewers as are authorised by the West Kent Main Sewerage Act 1875 and the West Kent Main Sewerage Order 1926 which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 1) Act 1926 shall not be unreasonably withheld and any question which may arise as to whether such consent is so withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be determined by the Minister.

(b) The portions of the tunnel approaches referred to in paragraph (a) of this subsection are the following:

- (i) so much of Work No. 1 authorised by the Act of 1930 as comprises that part of the southern approach to the tunnel which is situate between the commencement of Work No. 1A authorised by the Act of 1937 and the point of commencement of the gradient to the southern entrance to the tunnel ;
- (ii) the said Work No. 1A ;
- (iii) Works Nos. 9 9A 9B 9C and 9D authorised by this Act.

44.—(1) For the protection of the commission the following provisions of this section shall unless otherwise agreed in writing between the Councils and the commission apply and have effect.

For protection
of British
Transport
Commission.

(2) In this section—

“ railway property ” means the railway and railway works of the commission and any lands belonging to or occupied by the commission and shown on the deposited plans ;

“ the works ” means so much of Work No. 1 authorised by this Act as may be situated upon across under or over

not be unreasonably withheld and shall not commence the works until such plans sections drawings and particulars shall have been approved by the engineer or in case of difference between the engineer and the Councils until they shall have been settled by arbitration :

Provided that if within twenty-eight days after such plans sections drawings and particulars have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved them.

(7) Upon signifying his approval or disapproval of the plans sections drawings and particulars the engineer may specify any temporary or permanent works which should be carried out before the commencement of the works in order to ensure the stability of railway property or to protect it from injury and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission with all reasonable dispatch and the Councils shall not commence the construction of the works until the engineer shall have notified the Councils that such temporary or permanent works have been completed.

(8) The Councils shall except in cases of emergency give to the engineer twenty-eight days' notice of their intention to commence any of the works.

(9) The works 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 to railway property and as little interference with or delay or interruption to the conduct of traffic on the railways of the Commission as may be and if any damage to any railway property or any such interference delay or interruption shall be caused or take place contrary to this enactment the Councils 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 interference delay or interruption.

(10) The Councils 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) If any alterations or additions either permanent or temporary to railway property are reasonably necessary in consequence of the works such alterations and additions may be effected by the commission after notice has been given to the Councils and the Councils shall repay to the commission the reasonable

requirement of 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 whilst engaged upon the works) excuse the Councils from any liability under the provisions of this section :

Provided that the commission shall give to the Councils reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Councils.

(15) Any additional expense which the commission may reasonably incur after giving one month's notice thereof to the Councils in widening altering reconstructing or maintaining the railway and railway works 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 Councils to the commission.

(16) Any dispute or difference arising between the Councils and the Commission or the engineer under any of the foregoing provisions of this section shall be referred to arbitration.

45.—(1) For the protection of the Tunnel Company the following provisions of this section shall unless otherwise agreed in writing between the Councils and the Tunnel Company apply and have effect.

For protection
of The Tunnel
Portland
Cement
Company
Limited.

(2) In this section—

“ A.13 ” means the trunk road from London to Tilbury marked A.13 on the signed plan A ;

“ A.126 ” means the classified road from Purfleet to Grays marked A.126 on the signed plan A ;

“ the factory area ” means the lands coloured yellow on the signed plan A ;

“ the internal access road ” means the new access road coloured yellow on the signed plan B ;

“ the chalk lands ” means the lands coloured light green and dark green on the signed plan A ;

“ the signed plan A ” “ the signed plan B ” “ the signed plan C ” and “ the signed plan D ” mean respectively the plans marked “ A ” “ B ” “ C ” and “ D ” and signed respectively in triplicate by Jasper Kell on behalf of the Councils and by James Asher Mackintosh on behalf of the Tunnel Company one copy of each of which has been retained by each of the Councils and one by the Tunnel Company ;

“ the Thurrock Company ” means the Thurrock Chalk and Whiting Company Limited ;

“ the Thurrock tunnel ” means the tunnel leading from the factory area to lands of the Thurrock Company ;

part or parts of the chalk lands so much of the chalk lying thereunder as is represented by the areas coloured yellow and pink on the cross sections shown on the signed plan D.

(4) (a) The Councils shall subject to giving to the Tunnel Company not less than fourteen days' notice of their intention so to do excavate so much of the chalk referred to in paragraph (d) of subsection (3) of this section as is represented by the area coloured yellow on the cross sections shown on the signed plan D.

(b) The Councils shall deliver all chalk so excavated to the Tunnel Company at the chalkface workings of the Tunnel Company shown on the signed plan D such chalk being delivered by the Councils by the route coloured blue on the signed plan D and the Tunnel Company shall afford to the Councils free of charge all rights of passage and other facilities necessary to enable the Councils to effect such delivery.

(c) The Councils may remove the whole or any part of the overburden from the part or parts of the chalk lands acquired by them under this Act and deposit the same on any part of so much of the chalk lands not so acquired as is situate east of the said Work No. 1 and is within the limits of deviation shown on the deposited plans but if any such overburden is so deposited the Councils shall before the completion of Works Nos. 1 and 2 by this Act authorised remove the same so as to restore the surface of the land thereunder to the level existing before such deposit.

(5) Notwithstanding anything in the foregoing provisions of this section the Councils may if they think fit on giving to the Tunnel Company not less than fourteen days' notice of their intention so to do remove to a depth equal to the top level of the chalk thereunder and use for the purposes of the Dartford Tunnel Acts 1930 to 1957 the whole or any part of the overburden of so much of the chalk lands as is situate east of the lands acquired by the Councils under this Act.

(6) Notwithstanding the acquisition by the Councils under this Act of any part or parts of the chalk lands the Tunnel Company shall on giving to the Councils not less than fourteen days' notice of their intention so to do be at liberty to excavate so much of the chalk under such part or parts as is represented by the area coloured pink on the cross sections shown on the signed plan D :

Provided that—

- (i) the work of excavation is carried out before the year two thousand ;
- (ii) the Tunnel Company in carrying out such excavation shall not interfere with the construction maintenance repair use or stability of the said Work No. 1 ;

the Tunnel Company or in default of agreement determined by arbitration and shall for all time maintain the said fence in good and substantial repair.

(10) The Councils shall repay to the Tunnel Company the reasonable cost incurred by the Tunnel Company in constructing within the period mentioned in the proviso to this subsection the internal access road in substitution for the existing access roads hatched green on the signed plan B and in carrying out all necessary incidental works in connection therewith including the demolition of the former rifle range and laboratory store shown hatched blue on the signed plan B and the reinstatement of the laboratory store elsewhere in the factory area:

Provided that if the Tunnel Company do not by the first day of February nineteen hundred and fifty-eight complete the construction of the internal access road the Councils may in lieu of the Tunnel Company construct the internal access road in so far as it is situate within the limits of deviation shown on the deposited plans.

(11) The Councils shall submit to the Tunnel Company for their reasonable approval plans sections and particulars of so much of the said Work No. 1 as will constitute the western boundary of the internal access road.

(12) The Councils shall not under the powers of this Act close or commence any works on any part of the said existing access roads until the internal access road shall have been completed by the Tunnel Company or so much thereof as is referred to in the proviso to subsection (10) of this section shall have been completed by the Councils (as the case may be) but upon completion of the internal access road or such portion thereof as aforesaid the Councils may stop up the whole or any part of so much of the said existing access roads as does not form part of the internal access road.

(13) (a) The Councils shall divert the existing backshunt sidings of the Tunnel Company east of the said Work No. 1 to the new position shown coloured green on the signed plan C and so as to permit the construction by the Tunnel Company of an additional siding along the line coloured purple on that plan.

(b) The said diversion shall be carried out by the Councils—

- (i) so as not to alter the levels of the said sidings so as to impair the efficient working thereof; and
- (ii) (except in so far as it is impracticable so to do) so as not to interrupt or interfere with the use by the Tunnel Company of the said sidings or with the conduct of the business of the Tunnel Company.

Company and in all respects to the reasonable satisfaction of the Tunnel Company.

(17) Where under the foregoing provisions of this section plans sections and particulars are required to be submitted by the Councils to the Tunnel Company for their reasonable approval the Tunnel Company shall be deemed to have approved the same unless within twenty-eight days after the receipt thereof by the Tunnel Company at their registered office the Tunnel Company shall have intimated in writing to the Councils their disapproval thereof.

(18) (a) The provisions of Part II of the Act of 1950 shall in relation to the three pipes for carrying slurry of the Tunnel Company laid in A.13 apply to so much of Work No. 1 by this Act authorised as will be constructed over or within a distance of two hundred feet from any part of those pipes as if such portion of that work were one of the works mentioned in paragraph (a) of subsection (1) of section 21 of the Act of 1950 and the said pipes were undertakers' apparatus to which that section applies and the provisions of subsections (2) to (5) of section 16 (Alteration of position of water gas and other pipes) of the Act of 1930 shall not apply in relation to the said pipes.

(b) Subject as aforesaid nothing in this Act or done thereunder shall in any way affect or derogate from the provisions contained in paragraph H of the Second Schedule to the agreement dated the fourth day of October nineteen hundred and twenty-six and made between the Tunnel Company of the one part the Essex Council of the second part and the Minister of the third part.

(19) For the purpose of protecting the water pipe leading from the factory of the Tunnel Company to the factory of Thames Board Mills Limited and shown by a broken blue line on the signed plan A against damage or interruption in the supply or discharge of water by means thereof caused by the construction of Work No. 1 by this Act authorised or by the use by the Councils for the purposes of such construction of the lands numbered 17 in the urban district of Thurrock on the deposited plans the Councils shall during the construction of that work take all such steps as may be reasonably necessary for preventing such damage or interruption and shall make good to the Tunnel Company any reasonable expenses which they may incur in making good such damage or any loss which they may reasonably suffer by reason of such damage or interruption.

(20) The Councils shall during the construction of Works Nos. 1 and 2 by this Act authorised permit the authorised representative of the Tunnel Company to inspect all or any part of such works and shall afford to such representative all reasonable facilities for the purpose of such inspection.

twenty-second day of February nineteen hundred and thirty-three and the conveyance dated the thirty-first day of March nineteen hundred and thirty-three both of which were made between the company of the one part and the Essex Council of the other part.

(3) Within one month after the passing of this Act the Councils shall offer in writing to sell to the company the lands coloured red on the plan signed in triplicate by Jasper Kell on behalf of the Councils and by Eric Houghton Brown on behalf of the company.

(4) The Company shall be entitled by notice in writing to be given by them to the Councils at any time within one month after the receipt of such offer to purchase the said lands coloured red at such price as may be agreed between the Councils and the company.

(5) Clauses 8 9 16 and 17 of the contract of 1933 shall cease to have effect.

(6) The reference in clause 22 of the contract of 1933 and in clause 3 of the conveyance of 1933 to section 52 of the Act of 1930 shall be construed as a reference to such of the provisions of that section as are not repealed by section 55 (For protection of Thurrock Chalk and Whiting Company Limited) of the Act of 1937 or by this Act.

(7) The reference in the said clause 3 of the conveyance of 1933 to the contract of 1933 shall be construed as a reference to that contract as amended by the Act of 1937 and this section of this Act.

47.—(1) For the protection of the Metropolitan Water Board the North Thames Gas Board and the South Eastern Gas Board (each of which is in this section referred to as “the Board”) the following provisions of this section shall notwithstanding anything contained in any other enactment unless otherwise agreed in writing between the Councils and the board apply and have effect.

For protection of Metropolitan Water Board North Thames Gas Board and South Eastern Gas Board.

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

“apparatus” means mains pipes or other apparatus belonging to the board and includes any works constructed for the lodging therein of apparatus ;

“protected highway” means—

(a) the footways verges and cycle-tracks of Work No. 1A authorised by the Act of 1937 and of Works Nos. 1 9 9A 9B 9C and 9D authorised by this Act other than any viaduct or bridge forming part of the said Work No. 1 ; and

things in upon or under such street road lane or footpath or part of a street road lane or footpath or works as may be necessary for inspecting repairing maintaining renewing or removing such apparatus or with the consent of the Councils (which shall not be unreasonably withheld) laying new apparatus :

Provided that this subsection shall not apply to any street road lane or footpath or part of a street road lane or footpath permanently stopped up where the value of the apparatus therein or thereunder is paid by the Councils to the board pursuant to subsection (6) of this section or where such apparatus is replaced by substituted apparatus.

(6) Where by reason or in consequence of the exercise of any of the powers of the Dartford Tunnel Acts 1930 to 1957 any apparatus is rendered derelict or unnecessary the Councils shall unless substituted apparatus be provided pay to the board the value of such apparatus so rendered derelict or unnecessary and the cost reasonably incurred by the board in the cutting off of such apparatus from other apparatus Any apparatus so rendered derelict or unnecessary shall be the property of the Councils.

(7) If any question or difference shall arise between the Councils and the Board under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be determined by arbitration.

48.—(1) For the further protection of the Metropolitan Water Board (in this section referred to as “the board”) the following provisions of this section shall unless otherwise agreed in writing between the Councils and the Board apply and have effect.

For further protection of Metropolitan Water Board.

(2) In this section unless the subject or context otherwise requires “apparatus” means mains pipes or other apparatus and includes any works constructed for the lodging therein of apparatus.

(3) In constructing such of the works authorised by this Act as are mentioned in the first column of the following table the Councils shall provide therein accommodation and support for the apparatus mentioned in the second column of the said table :—

1	2
Work	Apparatus for which accommodation is to be provided
Subway Work No. 3	One water main having an internal diameter of four inches.
Footpath Work No. 5	One water main having an internal diameter of four inches.
Road Work No. 6	One water main having an internal diameter of ten inches. One water main having an internal diameter of four inches.

“the transmission main” means so much of the transmission main having a diameter of thirty-six inches laid or to be laid by the board between the Isle of Grain and London as will be situate in the cutting referred to in subsection (7) of this section.

(3) In constructing such of the works authorised by this Act as are mentioned in the first column of the following table the Councils shall provide therein accommodation and support for the apparatus mentioned in the second column of the said table :—

1	2
Work	Apparatus for which accommodation is to be provided
Subway Work No. 3	One gas main having an internal diameter of twelve inches. One gas main having an internal diameter of six inches.
Footpath Work No. 5	One gas main having an internal diameter of six inches.
Road Work No. 6	One gas main having an internal diameter of six inches.
Bridge Work No. 7	One gas main having an internal diameter of twelve inches. One gas main having an internal diameter of six inches.
Bridge Work No. 8	One gas main having an internal diameter of four inches.
Bridge Work No. 10	One gas main having an internal diameter of eight inches.

(4) Such accommodation and support shall be of such nature as may be agreed between the Councils and the board or in default of agreement determined by arbitration and shall be in such position as may be agreed or determined as aforesaid.

(5) The Board shall be entitled at all times to use free of charge the accommodation provided pursuant to the foregoing provisions of this section for the purpose of laying and placing therein the said apparatus with any necessary apparatus ancillary thereto.

(6) The Councils shall repay to the board the expenses reasonably incurred by them of and in connection with the removal of the existing apparatus of the board laid in Bow Arrow Lane between the Brent and Brent Close and in the Brent Watling Street and Princes Road and the laying and placing of such apparatus in the accommodation provided pursuant to the foregoing provisions of this section.

laying and placing the transmission main in the said cutting exceed the expenses which the board would have incurred for those purposes if the transmission main had been laid or placed in Princes Road.

(13) If before the construction of the said cutting by the Councils pursuant to subsection (7) of this section it is necessary in the opinion of the board for the board for the purposes of their undertaking to provide and lay a temporary main in Princes Road within the limits of deviation of the bridge Work No. 10 authorised by this Act the board shall on the completion of the construction of the said cutting remove the said temporary main and the Councils shall repay to the board the expenses reasonably incurred by the board in laying and removing the said temporary main.

(14) If any question or difference shall arise between the Councils and the board under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be determined by arbitration.

50.—(1) For the protection of the undertakers the following provisions of this section shall unless otherwise agreed in writing between the undertakers and the Councils apply and have effect.

For protection
of certain
electricity
undertakers.

(2) In this section—

“ apparatus ” means any electric line (as defined in the Electric Lighting Act 1882) of the undertakers ; and

“ undertakers ” means—

the Central Electricity Authority ; or
the Eastern Electricity Board ; or
the London Electricity Board ; or
the South Eastern Electricity Board ;

(as the case may be).

(3) In the carrying out of the works authorised by the Dartford Tunnel Acts 1930 to 1957 the Councils shall not—

(a) remove displace or alter any apparatus not being apparatus situate in under or over any street ; or

(b) without the consent in writing of the undertakers do anything to interrupt the continuous supply of electricity by means of such apparatus ;

until good and sufficient apparatus and all other works necessary or proper for maintaining the continuity of such supply shall at the expense of the Councils and to the reasonable satisfaction of the undertakers have been first made and laid down and be ready for use in such positions as the undertakers shall reasonably approve.

(4) The provisions of the Act of 1950 shall in relation to any works executed in under or upon any street by the Councils under

therein or thereunder is paid by the Councils to the undertakers pursuant to subsection (6) of this section or where such apparatus is replaced by substituted apparatus.

(8) In any case where the Councils exercise the powers of section 21 (As to closing tunnel and works) of the Act of 1930 they shall afford to the undertakers and their officers servants or agents reasonable access to any part in which any apparatus is situate of any approach road wholly or partially closed under the powers of that section for the purposes of inspecting repairing maintaining removing replacing or extending such apparatus.

(9) Nothing in section 23 (Restriction on use of tunnel) of the Act of 1937 shall preclude the undertakers or their officers servants or agents from having for the purposes of inspecting repairing maintaining removing replacing or extending any apparatus reasonable access to any part in which such apparatus is situate of any road which will form part of any of the tunnel approaches.

(10) Any difference which shall arise between the Councils and the undertakers under this section otherwise than under subsection (4) thereof shall be determined by arbitration.

51.—(1) For the protection of the company the following provisions of this section shall unless otherwise agreed in writing between the Councils and the company apply and have effect.

For protection
of South
Essex
Waterworks
Company.

(2) In this section—

“ apparatus ” means mains pipes or other apparatus belonging to the company and includes any works constructed for the lodging therein of apparatus;

“ the company ” means the South Essex Waterworks Company.

(3) The provisions of the Act of 1950 shall in relation to any works executed in a street by the Councils under this Act by which any apparatus of the company is affected apply as though such works were executed for road purposes and were mentioned in paragraph (a) of subsection (1) of section 21 of the Act of 1950 and subsections (2) to (5) of section 16 (Alteration of position of water gas and other pipes) of the Act of 1930 shall not apply in relation to any such apparatus or works.

(4) Notwithstanding the stopping up temporarily or permanently of any street road lane or footpath or part of a street road lane or footpath under the powers of section 7 (Subsidiary works) of this Act or section 11 (Power temporarily to stop up or interfere with streets) of the Act of 1930 or the closing of any works under the powers of section 21 (As to closing tunnel and works) of the Act of 1930 the company their engineer and

SCHEDULE

Section 54.

REPEAL OF ENACTMENTS

Act	Section and marginal note	Extent of repeal
Act of 1930	<p>Section 10 (Stopping up of roads)</p> <p>Section 22 (No mains or pipes to be laid in tunnel)</p> <p>Section 25 (Building lines in approach roads)</p> <p>Section 41 (For protection of Metropolitan Water Board)</p> <p>Section 42 (For protection of South Essex Waterworks Company)</p> <p>Section 43 (For protection of London Midland and Scottish Railway Company)</p> <p>Section 46 (For protection of County of London Electric Supply Company Limited and West Kent Electric Power Company Limited)</p> <p>Section 47 (For protection of Thurrock Grays and Tilbury Joint Sewerage Board)</p> <p>Section 48 (For protection of Commissioners of Sewers)</p> <p>Section 49 (For protection of West Kent Main Sewerage Board)</p> <p>Section 52 (For protection of Thurrock Chalk and Whiting Company Limited)</p>	<p>So much as relates to the stopping up of Manor Cart Road.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>So much as relates to Work No. 2 authorised by the Act of 1930.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p>
Act of 1937	<p>Section 11 (Application of certain provisions of Act of 1930)</p> <p>Section 20 (Amendments of section 25 of Act of 1930)</p> <p>Section 21 (Application of Restriction of Ribbon Development Act 1935)</p> <p>Section 27 (Tolls)</p> <p>Section 44 (Application of Arbitration Acts)</p> <p>Section 47 (For protection of London Midland and Scottish Railway Company)</p>	<p>So much as applies sections 22 and 49 of the Act of 1930.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The words from "and (subject thereto) as if" to the end of the section.</p> <p>The whole section.</p> <p>The whole section.</p>

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 20.
West Kent Main Sewerage Act 1875.. ..	38 & 39 Vict. c. clxiii.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Development and Road Improvement Funds Act 1909	9 Edw. 7 c. 47.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Ministry of Health Provisional Orders Confirmation (No. 1) Act 1926	16 & 17 Geo. 5 c. xix.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Dartford Tunnel Act 1930	20 & 21 Geo. 5 c. clxxxii.
London Passenger Transport Act 1933 ..	23 & 24 Geo. 5 c. 14.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Dartford Tunnel Act 1937	1 Edw. 8 & 1 Geo. 6 c. cxxvii.
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Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Dartford Tunnel (Extension of Time) Act 1949	12 13 & 14 Geo. 6 c. xlvi.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.