



CHAPTER ix

An Act to empower the River Great Ouse Catchment Board to construct works for the prevention of flooding within their catchment area and to acquire lands for the purposes of those works and for other purposes to authorise the Board to borrow money and for other purposes. [16th December 1949.]

WHEREAS the River Great Ouse Catchment Board (hereinafter referred to as "the Board") were constituted by an Order made by the Minister of Agriculture and Fisheries under Part II of the Land Drainage Act 1930 as the catchment board for the catchment area draining to the river Great Ouse: 20 & 21 Geo. 5. c. 44.

And whereas the said catchment area comprises large areas of lowlands most of which is below the level of the sea at high tide:

And whereas in the past extensive works have been constructed in order to prevent or minimise the risk of flooding of such lowlands and to discharge into the sea the inland flood waters arising in the said catchment area:

And whereas at the present time such works are inadequate for those purposes and there are serious risks of damage to large parts of the said lowlands at times of flood:

And whereas in order to prevent such risks and in the interests of the protection of agriculture it is expedient that the Board should be empowered to execute the works by this Act authorised and to acquire lands for those purposes and for other purposes of the Board:

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

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

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

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The purchase of lands and easements under the powers of this Act	460,000
The execution of the works authorised by this Act	5,706,000
The execution of works under the general powers of the Board	74,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans showing also the lands which may be acquired or used compulsorily for or in connection with the said works under the powers of this Act and plans showing the other lands which may be compulsorily acquired or used by the Board under the powers of this Act together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the respective clerks of the county councils of the administrative counties of Cambridge Isle of Ely Norfolk and West Suffolk and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

Short title.

1. This Act may be cited as the River Great Ouse (Flood Protection) Act 1949.

Incorporation of Acts.

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

(a) The Lands Clauses Acts with the following exceptions and modification:—

8- & 9 Vict.
c. 18:

(i) Section 92 and sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section ;

(b) Section 16 of the Railways Clauses Consolidation Act 8 & 9 Vict. 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "the railway" shall mean the works authorised by this Act and "the centre of the railway" shall mean the centre line of the works ;

(c) The provisions of the Commissioners Clauses Act 1847 with respect to mortgages.

10 & 11 Vict.
c. 16.

(2) In the construction of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions "the promoters of the undertaking" and "the company" mean respectively the Board.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Act of 1930 and by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

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

"The Board" means the River Great Ouse Catchment Board ;

"The clerk" means the clerk of the Board ;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878 ;

50 & 51 Vict.
c. 76.

"The Lands Clauses Acts" means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 and the Town and Country Planning Act 1947 and the Lands Tribunal Act 1949 ;

9 & 10 Geo. 5.
c. 57.

10 & 11 Geo. 6.
c. 51.

"Land" has the meaning assigned to that expression by section 81 of the Act of 1930 in addition to the meaning ascribed to the expression "lands" by section 3 of the Lands Clauses Consolidation Act 1845 ;

12 & 13 Geo. 6.
c. 42.

"The tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 and the Lands Tribunal Act 1949 ;

"The Act of 1930" means the Land Drainage Act 1930 ;

"The Minister" means the Minister of Agriculture and Fisheries ;

10 & 11 Geo. 6.
c. 49.Power to
Board to
execute works.

“The commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive.

4. Subject to the provisions of this Act the Board 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 and maintain in the administrative counties of Norfolk the Isle of Ely West Suffolk and Cambridge the works hereinafter described together with all necessary works and conveniences connected therewith (namely):—

Work No. 1.—A diversion in the parishes of Wiggshall St. Mary the Virgin and Wiggshall St. Germans in the rural district of Downham in the county of Norfolk of the embankment on the left bank of the river Ouse (tidal river) between Middle Level main drain and a point 18 chains or thereabouts south-westwards of that drain ;

Work No. 2.—A diversion in the said parish of Wiggshall St. Germans of the said embankment between a point 3 chains or thereabouts southward of St. Germans Bridge and a point 21 chains or thereabouts southwards of Woodcock Farm ;

Work No. 3.—A diversion in the parish of Wiggshall St. Mary Magdalen in the said rural district of Downham of the said embankment between a point 20 chains or thereabouts northward of the railway bridge carrying the King's Lynn and Wisbech railway over the said river Ouse and the said railway bridge ;

Work No. 4.—A diversion in the said parish of Wiggshall St. Mary Magdalen and the parish of South Runc-ton in the said rural district of Downham of the river Ouse (tidal river) between the said railway bridge and a point in the said river 84 chains or thereabouts southward of that bridge ;

Work No. 5.—A diversion in the said parish of Wiggshall St. Mary Magdalen of the said embankment between points respectively 14 chains or thereabouts and 41 chains or thereabouts southward of Manor Farm ;

Work No. 5A.—A diversion in the said parish of Wiggshall St. Mary Magdalen of the road leading from Wiggshall St. Mary Magdalen to Crabb's Abbey between points respectively 14 chains or thereabouts and 38 chains or thereabouts southward of Manor Farm ;

- Work No. 6.—A diversion in the parish of Stow Bardolph in the said rural district of Downham of the said embankment between points respectively 2 chains or thereabouts and 35 chains or thereabouts southward of Stow Bridge ;
- Work No. 7.—A diversion in the parish of Downham West in the said rural district of Downham of the said embankment between the boundary of that parish and the said parish of Stow Bardolph and a point 22 chains or thereabouts southward of that boundary ;
- Work No. 8.—A diversion in the said parish of Downham West of the said embankment between points respectively 45 chains or thereabouts and 25 chains or thereabouts northward of Bridge Farm ;
- Work No. 9.—A diversion in the said parish of Downham West of the said embankment between a point 12 chains or thereabouts northward of Bridge Farm and that farm ;
- Work No. 10.—A diversion in the said parish of Downham West of the said embankment between Bridge Farm and a point 52 chains or thereabouts southward of that farm ;
- Work No. 11.—A diversion in the said parish of Downham West of the road leading from Downham Market to Wisbech between Downham Bridge and a point 38 chains or thereabouts south-westward of that bridge ;
- Work No. 11A.—A diversion in the said parish of Downham West of the road leading from Downham Market to Barroway Drove commencing at a point on that road 10 chains or thereabouts westward of Downham Bridge and terminating by a junction with Work No. 11 by this Act authorised at a point 9 chains or thereabouts south-westward of the said bridge ;
- Work No. 12.—A diversion partly in the said parish of Wiggshall St. Mary the Virgin and partly in the said parish of Wiggshall St. Germans of the embankment on the right bank of the river Ouse (tidal river) between Bank Farm and a point 87 chains or thereabouts southward of that farm ;
- Work No. 13.—A diversion in the said parish of Wiggshall St. Germans of the said last-mentioned embankment between St. Germans Church and a point 28 chains or thereabouts south-eastward thereof ;
- Work No. 14.—A diversion in the said parish of Wiggshall St. Germans and the parish of Watlington in the said rural district of Downham of the said last-mentioned embankment between Church Farm and a point 67 chains or thereabouts southward of that farm ;

Work No. 15.—A diversion in the said parishes of Watlington and South Runcton of the said last-mentioned embankment between Magdalen Bridge and the King's Lynn and Wisbech railway;

Work No. 16.—A diversion in the said parishes of South Runcton and Stow Bardolph of the said last-mentioned embankment between a point 16 chains or thereabouts south-eastward of Holly House and a point 14 chains or thereabouts southward of Stow Bridge;

Work No. 17.—A diversion in the parish of Wimbotsham in the said rural district of Downham of the said last-mentioned embankment between a point 19 chains or thereabouts southward of the outfall of St. John's Eau and a point 38 chains or thereabouts southward of that outfall;

Work No. 18.—A diversion in the said parish of Wimbotsham and the urban district of Downham Market in the county of Norfolk of the said last-mentioned embankment between a point 75 chains or thereabouts south-westward from Stow Bardolph station and a point opposite Downham Market station;

Work No. 19.—A diversion in the parish of Denver in the said rural district of Downham of the said last-mentioned embankment between a point 4 chains or thereabouts northward of Tallymore Farm and a point 14 chains or thereabouts southward of that farm;

Work No. 20.—A bridge and approaches in the said parish of Wiggenhall St. Mary the Virgin carrying the road leading from Saddle Bow to King's Lynn over Work No. 29 by this Act authorised;

Work No. 21.—A diversion partly in the borough of King's Lynn in the county of Norfolk and partly in the said parish of Wiggenhall St. Mary the Virgin of the road leading from King's Lynn to Wiggenhall St. Peter between points respectively 24 chains or thereabouts and 30 chains or thereabouts northward of the junction of that road with the road leading from Wiggenhall St. Germans to Abbey Farm;

Work No. 22.—A bridge and approaches partly in the said parish of Wiggenhall St. Germans and partly in the said borough of King's Lynn or partly in that parish and partly in that borough and partly in the parish of Wiggenhall St. Mary the Virgin commencing by a junction with Work No. 22A by this Act authorised and terminating in the road leading from Wiggenhall St.

Germans to Abbey Farm at a point 4 chains or thereabouts eastward of the junction of that road with the road leading therefrom to King's Lynn ;

Work No. 22A.—A diversion partly in the said parish of Wighenhall St. Mary the Virgin and partly in the said parish of Wighenhall St. Germans in part of the said road leading from Wighenhall St. Germans to Abbey Farm and in part of Hastings Lane between points respectively 16 chains or thereabouts westward and 17 chains or thereabouts south-westward of Evans Farm ;

Work No. 22B.—An approach road partly in the said borough of King's Lynn partly in the said parish of Wighenhall St. Germans and partly in the said parish of Wighenhall St. Mary the Virgin commencing by a junction with the road leading from King's Lynn to Wighenhall St. Peter at a point 1 chain or thereabouts northward of the junction therewith of the road leading from Wighenhall St. Germans to Abbey Farm and terminating by a junction with Work No. 22 by this Act authorised ;

Work No. 23.—A diversion in the said parishes of Wighenhall St. Germans and Watlington of the road leading from King's Lynn through Wighenhall St. Peter to Watlington commencing by a junction with Work No. 22 by this Act authorised and terminating in the said road at a point 45 chains or thereabouts southward of Polver Farm ;

Work No. 24.—A diversion in the said parish of Watlington of the road leading from Wighenhall St. Mary Magdalen to Watlington and a bridge and approaches carrying the said road as diverted over the said Work No. 29 commencing at the eastern extremity of Magdalen Bridge and terminating at a point 20 chains or thereabouts eastward of the said bridge ;

Work No. 25.—A bridge and approaches in the said parish of Stow Bardolph carrying the road leading from Outwell to South Runcton over the said Work No. 29 ;

Work No. 26.—A diversion in the said parish of Stow Bardolph of Black Bank and Gull Pit Drove commencing by a junction with the road leading from Outwell to South Runcton at a point 1 chain or thereabouts eastward of the level-crossing carrying the King's Lynn and Ely railway across that road and terminating in Gull Pit Drove at a point 2 chains or thereabouts eastward of the level crossing carrying the said King's Lynn and Ely railway across such last-mentioned road ;

Work No. 27.—A bridge and approaches partly in the said parish of Downham West and partly in the said urban district of Downham Market carrying the road leading from Downham West to Downham Market over the said Work No. 29 ;

Work No. 28.—A diversion in the said parish of Denver of the road leading from Denver Sluice to Denver station between Denver Sluice and a point on that road 28 chains or thereabouts westward of Denver station ;

Work No. 29.—A relief cut or channel commencing in the said borough of King's Lynn in the river Ouse (tidal river) at a point 6 chains or thereabouts north-westward of the westernmost corner of the King's Lynn beet sugar factory and terminating in the said parish of Denver in the river Ouse (Ten Mile River) at a point 16 chains or thereabouts southward of Denver Sluice ;

Work No. 30.—A cut or channel commencing in the said parish of Wiggshall St. Mary the Virgin by a junction with the said Work No. 29 at a point 8 chains or thereabouts south-westward of St. Helen's Church and terminating in the said borough of King's Lynn by a junction with the river Nar at a point 29 chains or thereabouts south-eastward of that church ;

Work No. 31.—A diversion in the said borough of King's Lynn of the road leading from Wiggshall St. Peter to King's Lynn between a point 16 chains or thereabouts south-eastward of St. Helen's Church and a point 14 chains or thereabouts westward of the termination of Work No. 30 by this Act authorised together with a bridge and approaches carrying the said road as diverted over the said Work No. 30 ;

Work No. 32.—A widening partly on both sides and partly on the western side and partly on the eastern side and a deepening of the river Ouse (Ten Mile River and Ely Ouse)—

(a) between a point 6 chains or thereabouts northward of Southery Ferry in the parish of Southery in the said rural district of Downham and Ely High Bridge in the urban district of the city of Ely in the county of the Isle of Ely ; and

(b) between the boundary between the said urban district of the city of Ely and the parish of Soham in the rural district of Newmarket in the county of Cambridge and the boundary between the parish of Thetford in the rural district of Ely in the county of the Isle of Ely and the parish of Wicken in the said rural district of Newmarket ;

- Work No. 33.—A diversion in the said parish of Southery of the road on the western bank of the said river Ouse leading from Ten Mile Bank to Littleport between Ferry Farm and Wools Farm ;
- Work No. 34.—A diversion in the parish of Littleport in the said rural district of Ely of the said road between Toll House and a point 11 chains or thereabouts southward of Toll House ;
- Work No. 35.—A diversion in the said parish of Littleport of the road on the eastern bank of the said river Ouse leading from Southery to Littleport between points respectively 30 chains or thereabouts northward and 23 chains or thereabouts southward of Black Horse Farm ;
- Work No. 36.—A diversion in the said parish of Littleport of the said road on the western bank of the said river Ouse between points respectively 13 chains or thereabouts and 74 chains or thereabouts south-westward of Black Horse Farm ;
- Work No. 37.—A diversion in the said parish of Littleport of such last-mentioned road between points respectively 25 chains or thereabouts northward and 28 chains or thereabouts south-westward of Foresters Arms ;
- Work No. 38.—The demolition and rebuilding in the said parish of Littleport of Sandhill Bridge ;
- Work No. 39.—A diversion of the road on the eastern bank of the said river Ouse commencing in the said parish of Littleport at a point 7 chains or thereabouts north-eastward of the confluence of the river Lark with the said river Ouse and terminating in the said urban district of the city of Ely at a point 4 chains or thereabouts southward of the said confluence together with a bridge over the river Lark ;
- Work No. 40.—A diversion in the said urban district of the city of Ely of the road on the eastern bank of the said river Ouse leading from Sandhill Bridge to Ely between points respectively 6 chains or thereabouts northward and 8 chains or thereabouts southward of Clayway Farm ;
- Work No. 41.—A by-pass channel in the said urban district of the city of Ely commencing in the said river Ouse at a point 7 chains or thereabouts eastward of Common Muckhill railway bridge and terminating at a point on the eastern bank of the said river Ouse 17 chains or thereabouts southward of Ely High Bridge ;

- Work No. 42.—A viaduct in the said urban district of the city of Ely carrying the road leading from Ely to Soham over the said Work No. 41 ;
- Work No. 43.—A diversion in the said parish of Soham of the road on the eastern bank of the said river Ouse between points respectively 35 chains or thereabouts northward and 2 chains or thereabouts westward of the confluence of Soham Lode with the said river Ouse ;
- Work No. 44.—A diversion of the road on the eastern bank of the said river Ouse commencing at a point in the said parish of Soham 13 chains or thereabouts northward of the boundary between the said parish of Soham and the said parish of Thetford and terminating in the said parish of Thetford on the boundary between that parish and the said parish of Wicken ;
- Work No. 45.—A cut-off channel commencing in the said parish of Denver by a junction with the said Work No. 29 at a point 15 chains or thereabouts north-eastward of Denver Sluice and terminating in the river Lark in the parish of Barton Mills in the rural district of Mildenhall in the county of West Suffolk at a point 28 chains or thereabouts eastward of Barton Mill ;
- Work No. 46.—A bridge and approaches in the parish of Fordham in the said rural district of Downham carrying the road leading southward from Border House over Work No. 45 by this Act authorised ;
- Work No. 47.—A bridge and approaches in the said parish of Fordham carrying the road leading from Fordham to Hilgay over the said Work No. 45 ;
- Work No. 48.—A bridge and approaches in the parish of West Dereham in the said rural district of Downham carrying the road leading from Abbey station to West Dereham Fen over the said Work No. 45 ;
- Work No. 49.—A diversion in the said parish of West Dereham of the road leading from Smeeth Drove to Abbey station ;
- Work No. 50.—A bridge and approaches in the parish of Wereham in the said rural district of Downham carrying the road leading from Wereham to Wereham Fen House over the said Work No. 45 ;
- Work No. 51.—A bridge and approaches in the parish of Stoke Ferry in the said rural district of Downham carrying Wretton Drove over the said Work No. 45 ;
- Work No. 52.—A new cut or channel commencing in the said parish of Stoke Ferry by a junction with Work No. 45 by this Act authorised at a point 16 chains or

thereabouts southward of Limehouse Farm and terminating in the parish of Northwold in the said rural district of Downham by a junction with Work No. 53 by this Act authorised at a point 30 chains or thereabouts south-eastward of Limehouse Farm ;

Work No. 53.—A diversion of the river Wissey in the said parish of Northwold or partly in that parish and partly in the said parish of Stoke Ferry commencing and terminating by junctions with the river Wissey at points respectively 44 chains or thereabouts south-eastward and 28 chains or thereabouts eastward of Limehouse Farm ;

Work No. 54.—A bridge and approaches in the parish of Methwold in the said rural district of Downham carrying Thornham Road over the said Work No. 45 ;

Work No. 55.—A diversion in the said parish of Methwold of Severalls Road between that road and Methwold Hithe together with a bridge carrying the said road as diverted over the said Work No. 45 ;

Work No. 56.—A bridge and approaches in the parish of Feltwell in the said rural district of Downham carrying Little Oulsham Drove over the said Work No. 45 ;

Work No. 57.—A bridge and approaches in the said parish of Feltwell carrying the road leading from Southery to Feltwell over the said Work No. 45 ;

Work No. 58.—An approach road and a bridge over the said Work No. 45 in the said parish of Feltwell commencing at a point in Corkway Drove 9 chains or thereabouts westward of the junction of that Drove with the road leading from Feltwell to Hockwold and terminating by a junction with Work No. 59 by this Act authorised ;

Work No. 59.—A diversion of the said road leading from Feltwell to Hockwold commencing in the said parish of Feltwell at a point 5 chains or thereabouts north-eastward of the junction of that road with Corkway Drove and terminating in the parish of Hockwold-cum-Wilton in the said rural district of Downham at a point 4 chains or thereabouts southward of the junction of that road with Whitedike Drove ;

Work No. 60.—A diversion in the said parish of Hockwold-cum-Wilton of the said road leading from Feltwell to Hockwold commencing at a point 22 chains or thereabouts southward of Whitedike Farm and terminating at a point 50 chains or thereabouts southward of the said farm ;

- Work No. 61.—A diversion in the said parish of Hockwold-cum-Wilton of Sluice Drove together with a bridge and approaches carrying the said drove as diverted over the said Work No. 45 ;
- Work No. 62.—A bridge and approaches in the said parish of Hockwold-cum-Wilton carrying the road leading from Hockwold to Lakenheath over the said Work No. 45 ;
- Work No. 63.—A bridge and approaches in the said parish of Hockwold-cum-Wilton carrying Moor Drove over the said Work No. 45 ;
- Work No. 64.—A cut or channel in the said parish of Hockwold-cum-Wilton or partly in that parish and partly in the parish of Brandon in the rural district of Mildenhall in the county of West Suffolk commencing by a junction with the said Work No. 45 and terminating in the river Little Ouse at a point 4 chains or thereabouts westward of Wilton Ferry ;
- Work No. 65.—A diversion of the river Little Ouse in the said parish of Brandon or partly in that parish and partly in the said parish of Hockwold-cum-Wilton between points respectively 17 chains or thereabouts and 38 chains or thereabouts south-westward of Wilton Ferry ;
- Work No. 66.—A diversion in the said parish of Brandon of the road leading from Hiss Farm to Fenhouse Farm and a bridge and approaches carrying the said road as diverted over the said Work No. 45 ;
- Work No. 67.—A bridge and approaches in the parish of Lakenheath in the said rural district of Mildenhall carrying the road leading from Hockwold to Lakenheath over the said Work No. 45 ;
- Work No. 68.—A bridge over the said Work No. 45 and approaches thereto in the said parish of Lakenheath commencing by a junction with Highbridge Road and terminating by a junction with High Street Lakenheath ;
- Work No. 69.—A bridge and approaches in the said parish of Lakenheath carrying the road leading from Undley to Lakenheath over the said Work No. 45 ;
- Work No. 70.—A bridge and approaches in the parishes of Mildenhall and Eriswell in the said rural district of Mildenhall carrying the road leading from Holywell to Eriswell over the said Work No. 45 ;
- Work No. 71.—A bridge and approaches in the said parishes of Mildenhall and Eriswell carrying the road leading from Brandon to Barton Mills over the said Work No. 45 ;

Work No. 72.—A diversion in the said parish of Mildenhall of the road leading from Mildenhall to Brandon commencing at a point 8 chains or thereabouts southward of the junction of that road with the said road leading from Brandon to Barton Mills and terminating at a point on such last-mentioned road 4 chains or thereabouts southward of the said junction ;

Work No. 73.—A diversion in the said parish of Mildenhall of the road leading from Mildenhall to Thetford commencing at a point in that road 4 chains or thereabouts westward of the junction therewith of the road leading from Brandon to Barton Mills and terminating at a point on such last-mentioned road 1 chain or thereabouts southward of such last-mentioned junction ;

Work No. 74.—A diversion in the said parish of Mildenhall of the road leading from Mildenhall to Thetford commencing at a point 3 chains or thereabouts southward of the junction therewith of the road leading from Brandon to Barton Mills and terminating at a point 20 chains or thereabouts eastward of the said junction together with a bridge and approaches over the said Work No. 45 ;

Work No. 75.—A bridge and approaches in the said parish of Barton Mills or partly in that parish and partly in the said parish of Mildenhall carrying the road leading from Barton Mills to Norwich over the said Work No. 45 ;

Work No. 76.—A bridge and approaches in the said parish of Barton Mills carrying the road leading from Barton Mills to Bury St. Edmunds over the said Work No. 45.

5. The Board in constructing the works authorised by this Act may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding six feet either upwards or downwards.

Power to deviate in construction of works.

6.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Board in connection with the works authorised by this Act and for the purposes thereof may—

Subsidiary powers.

(a) make junctions and communications between any of those works and any rivers streams and watercourses and any existing streets roads droves ways bridges towing paths and footpaths ;

- (b) make provide and maintain all necessary and convenient walls banks embankments piling fences culverts drains intakes syphons watercourses weirs sluices wharves mattresses pitching roads droves bridges towing paths and footpaths and all such mains pipes cables wires pumps machinery works and appliances as may be required ;
- (c) raise widen lengthen alter and reconstruct the bridges over any rivers streams brooks and watercourses widened or altered under the powers of this Act and the approaches to such bridges and strengthen underpin and deepen the piers arches and other supports and the foundations thereof without acquiring the said bridges or any interest therein ;
- (d) stop up and discontinue so much of the rivers streams brooks and watercourses shown on the deposited plans as will be rendered unnecessary by reason of the execution of the works authorised by this Act and deposit on the beds thereof spoil or other material excavated in the construction of those works ;
- (e) execute any works for the protection of any adjoining lands or buildings ;
- (f) remove alter divert or stop up any drain sewer channel or watercourse the Board providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse ; and
- (g) alter any mains pipes wires and other works and apparatus for conveying or transmitting water gas or electricity.

(2) In the exercise of the powers conferred by this section the Board shall cause as little detriment and inconvenience to any person as circumstances admit and shall make reasonable compensation for any injury caused to any person by the exercise of such powers.

(3) Within the limits of deviation shown on the deposited plans the Board may raise sink or otherwise alter the position of any of the steps areas cellars windows pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay or inconvenience to the inhabitants as the circumstances of the case will admit.

(4) The Board shall not alter or remove any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

7. Notwithstanding anything contained in this Act or shown upon the deposited plans or sections the Board may within the limits of deviation shown on the deposited plans make the widenings of rivers by this Act authorised of such greater or less width than those shown on the deposited plans or sections with reference to those widenings as they may think fit.

Power to vary width of widenings.

8. The Board may by means of the Works Nos. 45 52 53 64 and 65 by this Act authorised and any works constructed in connection therewith divert abstract intercept stop up or otherwise interfere with the waters of or the flow of water in the river Lark the river Little Ouse and the river Wissey and of or in any other rivers streams or watercourses which may be intercepted by the said works or any of them.

Diversion of flow of water in certain rivers &c.

9. Subject to the provisions of this Act the Board from time to time may—

As to drawing down &c. of water.

(a) for the purpose of determining the height or depth of water at any place in the waters within their jurisdiction at any suitable place or places in those waters fix such gauges and other marks as they may deem necessary ; and

(b) regulate the opening shutting and management of the locks sluices and works on the waters within their jurisdiction and the lowering or raising the level of the water by means of any of those locks sluices or other works :

Provided that nothing in this section or done thereunder shall relieve the Board from any obligation imposed upon them by section 10 (As to Thornborough Sluice) of the Bucks Water Order 1947 :

Provided also that the Board shall not exercise the powers of this section so as to prejudice or interfere with the rights or powers of the mayor aldermen and burgesses of the borough of Bedford.

10.—(1) The Board may divert the roads drives and footpaths shown on the deposited plans as intended to be diverted and may stop up and discontinue as highways the roads drives and footpaths shown thereon as intended to be stopped up :

Diversion and stopping up of roads &c.

Provided that where a road drove or footpath is shown on the deposited plans as intended to be diverted the existing road drove or footpath shall not be stopped up until such new road drove or footpath is completed to the satisfaction of the highway authority of the district in which the existing road drove or footpath is situate and is open for public use or in case of difference between the Board and the highway authority until the Minister of Transport shall have certified that the new road

drove or footpath has been completed to his satisfaction and is open for public use. Before applying to the Minister of Transport for his certificate the Board shall give to the highway authority fourteen days' notice of their intention:

Provided also that the Board shall not stop up the footpath in the urban district of the city of Ely between the points marked A and B on the deposited plans unless and until they shall have completed in lieu thereof a new footpath commencing at the said point marked A and running thence along the western northern and eastern boundaries of the enclosure numbered in the said urban district 96 on the deposited plans and terminating at the said point marked B and unless and until two justices shall have certified that such new footpath has been completed to their satisfaction and is open for public traffic.

(2) As from the completion to the satisfaction of the highway authority of the new road drove or footpath or as from the date of the said certificate as the case may be all rights of way over or along the existing road drove or footpath shall be extinguished and the Board may appropriate and use the site thereof so far as they are for the time being the owners of the land on both sides thereof:

Provided that the Board shall make compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) Any road drove or footpath diverted under the powers of this Act shall be repairable by the authority or person by whom it was repairable before its diversion.

As to diversion
of Springhead
Lane.

11. Notwithstanding anything contained in the last preceding section or shown on the deposited plans—

(i) the Board shall not under the powers of this Act divert stop up or discontinue that part of the highway known as Springhead Lane in the urban district of the city of Ely which is situate between the points marked X and Y on the plan signed in duplicate by Keith Mitchell Roddis on behalf of the Board and by Goodwyn Luddington Archer on behalf of the City of Ely Urban District Council one copy of which plan has been deposited at the offices of the Board and the other copy at the offices of the said urban district council;

(ii) the road or drove to be made in lieu of that part of Springhead Lane which is situate between the points marked Y and Z on the said plan shall be made along the line marked Y W Z on that plan.

12.—(1) The Board shall in constructing such of the works by this Act authorised as are mentioned in subsection (2) of this section provide under one of the footways of each of the bridges and the approaches thereto forming part of such works the spaces mentioned in the said subsection for the accommodation of the telegraphic lines of the Postmaster-General. 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 Board his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

For protection
of Postmaster-
General.

(2) The spaces to be provided shall be as follows:—

- (a) in the case of each of the bridges and approaches forming part of Works Nos. 27 42 (viaduct) 47 74 and 75 a space two feet wide and one foot deep; and
- (b) in the case of each of the bridges and approaches forming part of Works Nos. 20 22A 24 25 48 50 51 55 58 62 67 68 69 71 72 and 76 a space one foot wide and one foot deep;

together with as respects all the said bridges and approaches additional accommodation at intervals of approximately 166 yards for cable jointing chambers.

13.—(1) Where any portion of any of the roads drives or footpaths referred to in the section of this Act of which the marginal note is "Diversion and stopping up of roads &c." is stopped up and immediately before the date of such stopping up there was under in upon over along or across such portion of the road drove or footpath any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall have the same powers in respect of that line as if the stopping up had not taken place:

For further
protection of
Postmaster-
General.

Provided that if the Board or any person entitled to land over which the stopped up portion of the road drove or footpath subsisted requires an alteration in the telegraphic line paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect as if references therein to undertakers included references to the Board or the person so requiring the alteration of the line.

(2) If in consequence of the exercise or intended exercise by the Board of any of the powers conferred on them by any of the sections of this Act of which the marginal notes are respectively "Power to Board to execute works" "Subsidiary powers" and "Diversion and stopping up of roads &c." the Postmaster-General considers it necessary or expedient that an alteration

should be made in any telegraphic line belonging to or used by him and placed in any highway affected by the exercise or intended exercise by the Board of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Board shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

- (a) before making such alteration the Postmaster-General shall give a notice to the Board containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;
- (b) the Board may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Board is to be carried out.

(3) In this section the expression "alteration" has the same meaning as in the Telegraph Act 1878.

Maintenance
of roads.

14. On the completion of any new road (not being a drove or footpath) constructed under the powers of this Act so as to connect at both ends thereof with a county road or county roads or of any part of any such new road the Board may give notice thereof to the county council of the county in which such new road or part thereof is situate and thereupon such new road shall become a highway repairable by the inhabitants at large.

Stopping up
of certain
navigations.

15. The Board may stop up and cause to be discontinued as a waterway the parts of the river Ouse (tidal river) the river Wissey the Methwold Lode the river Little Ouse and the Lakenheath Lode shown on the deposited plans as proposed to be stopped up and thereupon all rights of navigation and other rights in along or over the parts so stopped up shall cease and determine:

Provided that the Board shall not under the powers of this section stop up or cause to be discontinued as a waterway any part of the river Ouse (tidal river) until Work No. 4 by this Act authorised has been completed and is open for navigation.

16.—(1) The Board during and for the purpose of the execution of the works by this Act authorised may temporarily stop up and interfere with or cause to be discontinued any river waterway navigation road drove footpath or towing path or any part of any river waterway navigation road drove footpath or towing path comprised in the limits of deviation shown on the deposited plans and may for all reasonable time prevent all persons passing along or using the same:

Temporary stoppage of rivers roads &c.

Provided that the Board shall not prevent persons bona fide going to or coming from any premises in any road or part of a road temporarily stopped up under the powers of this section from passing along and using the same and shall provide reasonable access for such persons bona fide going to or coming from any such premises:

Provided also that the Board shall not exercise the powers of this section in relation to any part of the river Ouse (tidal river) without the consent of the Minister of Transport and shall give to the said Minister not less than one month's notice before exercising the said powers in relation to any other river waterway or navigation.

(2) The powers of this section shall not be exercised in such manner as unreasonably to obstruct or interfere with the access to or exit from any station or depot of the commission.

17. The Board may for such purposes and during such reasonable time or times as they think fit temporarily stop up and discontinue as a waterway—

Temporary stoppage of certain navigations.

(a) so much of the river Wissey as diverted under the powers of this Act as will be situate between a point 2 chains or thereabouts northward of the commencement of Work No. 53 by this Act authorised and a point 9 chains or thereabouts southward of the termination of that work; and

(b) so much of the river Little Ouse and of that river as diverted under the powers of this Act as will be situate between the termination of Work No. 64 by this Act authorised and a point 8 chains or thereabouts eastward of the commencement of Work No. 65 by this Act authorised;

and may during such time or times as aforesaid prevent all persons and all ships boats barges or other vessels of whatsoever description from passing along and using the parts of the river Wissey and the river Little Ouse so stopped up.

18.—(1) It shall be lawful for the Board to divert and alter the course or the flow of water in into or out of any stream watercourse or ditch on any lands acquired or appropriated by them for the purposes of the works by this Act authorised and

Power to divert streams &c.

the existing bed banks and channel of the diverted portion of such stream watercourse or ditch shall by virtue of this Act vest in the Board and may be appropriated and used by the Board for the purposes of or in connection with those works.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall pay compensation to all persons for injury sustained by them or any liability to which they may become subject by reason of the exercise of those powers. Any difference as to the amount of the compensation to be paid shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Discharge of
water into
streams.

19.—(1) For the purpose of constructing enlarging repairing examining or operating any works authorised by this Act the Board may cause the water in any such work to be discharged into any available watercourse:

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall make compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of such compensation to be determined in case of difference under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect any railway or works of the commission.

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

20. The Board may enter into and carry into effect agreements or arrangements with the drainage board of any drainage district or the owners of or other persons interested in any land in or through which any works authorised by this Act are or may be constructed or the drainage of which may be affected by the construction of those works for or with respect to the execution of any works (including the erection of pumping stations) or the doing of any thing which may be rendered necessary or convenient by reason or in consequence of the exercise of the powers of this Act. Any such agreement may provide for the payment by the Board of or the making of contributions by them towards the costs incurred or to be incurred by any such drainage board owners or other persons in or in connection with the execution of such last-mentioned works or the doing of any such thing

or the payment by the Board of compensation for any injury suffered by such drainage board owners or other persons by reason or in consequence of the execution of the works by this Act authorised.

21. The works Nos. 4 29 30 41 45 52 53 64 and 65 authorised by this Act shall be treated as part of the main river of the Board for the purposes of the Act of 1930 and when completed the Minister shall vary the map of the river Great Ouse catchment area in such a manner as appears to him to be necessary to give effect to the provisions of this section.

Works to be part of main river.

22. Notwithstanding anything contained in this Act or shown on the deposited plans—

As to river Nar.

(1) the Board shall construct maintain and operate such works as will ensure that no water from the river Nar flows into Work No. 30 by this Act authorised except over a spillway the top level of which is at a height not less than 10.7 feet above ordnance datum (Newlyn);

(2) the Board shall not under the powers conferred by this Act construct any works or take any action (otherwise than in accordance with the foregoing provisions of this section) so as detrimentally to affect the navigability of the river Nar downstream from the Nar Sluice.

23.—(1) The Board may enter into and carry into effect agreements with the parties having the charge management or control of the roads droves footpaths or highways or any of them portions whereof shall under the provisions of this Act be diverted altered or stopped up or otherwise interfered with in reference to the construction or contribution towards the costs of such diversion or alteration or of any new road drove footpath or highway to be substituted therefor or of any bridge carrying the same over any of the works by this Act authorised and in reference to any other matters relating thereto.

Power to make agreements with road authorities.

(2) If so agreed the Board may delegate to such parties as aforesaid the power of constructing and maintaining all or any of such diversions or alterations or new roads droves footpaths or highways in which they may be interested or any such bridge.

(3) The purposes of this section shall be deemed to be purposes for which a local or highway authority may incur expenditure and borrow money.

24. The Board shall provide and maintain or cause to be provided and maintained for the workmen employed in and about the construction of the works authorised by this Act such accommodation and such arrangements for meals as shall

Accommodation for workmen employed on construction of works.

be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

Power to
acquire lands.

25.—(1) Subject to the provisions of this Act the Board may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act and other purposes connected therewith or for any of the purposes mentioned in the section of this Act of which the marginal note is “Diversion of flow of water in certain rivers &c.” or for the purposes of reinstatement and exchange.

(2) The Board may also subject to the provisions of this Act enter upon take use and hold for the general purposes of the Board the lands in the urban district of the city of Ely delineated on the deposited plans and thereon numbered 89 to 96 (both numbers inclusive) in the said urban district:

Provided that the Board shall not work any clay on or abstract any clay from those parts of the lands numbered 90 92 93 and 95 in the urban district of the city of Ely on the deposited plans which are shown coloured yellow on the plan mentioned in the section of this Act of which the marginal note is “As to diversion of Springhead Lane.”

(3) The powers of the Board for the compulsory purchase of land under this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and forty-nine.

Power to
purchase
additional
lands by
agreement.

26. The Board in addition to any other lands acquired or held by them in pursuance of this Act may by agreement purchase take on lease acquire and hold for the purposes of this Act any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Board deem necessary for those purposes:

Provided that the Board shall not create or permit the creation or continuance of any nuisance on any such lands.

Power to use
bed and banks
of rivers.

27. The Board may for the purposes of the works authorised by this Act enter upon and use so much of the bed shore bank and embankment of any river stream brook and watercourse as is within the limits of deviation of any of the said works shown on the deposited plans and as may be required for those purposes and they may also for the purposes of executing and placing temporary works and conveniences in connection with such works occupy and use temporarily so much of such bed shore bank and embankment within the said limits as may be required for those purposes or any of them.

28.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county in which the land is situated for the correction thereof. Correction of errors in deposited plans and book of reference.

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

(3) Any such certificate shall be deposited with the clerk of the county council of the county in which the land is situated and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited 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 Board to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

29.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 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 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 Board that part of the house building factory park or garden.

Power to expedite entry.

30. 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 in writing of their intention to exercise the powers of this section the Board 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:

Provided that the Board 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.

Power to enter for survey or valuation &c.

31. The provisions of section 43 (Power of drainage board to enter and survey lands and inspect documents) of the Act of 1930 shall apply for the purposes of this Act as if those purposes were purposes of the Act of 1930.

Disregard of recent improvements and interests.

32. 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 improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and forty-eight; 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.

Set-off of betterment against compensation.

33. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under this Act in a case where—

(a) he has an interest in any other land contiguous with or adjacent to the land so acquired; and

(b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Act or any of them;

the amount of the enhancement in value shall be set off against the compensation or purchase money:

Provided that any such enhancement in value of an interest in land shall be estimated on the assumption that planning permission in respect of that land would be granted under the Town and Country Planning Act 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

34.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished. Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

35.—(1) In lieu of acquiring any land which may be acquired under this Act the Board may for the purposes of this Act and of doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes. Power to acquire easements only.

(2) Accordingly the Board 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 Board have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) 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 and cultivate the land as if this Act had not been passed.

(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 Board to acquire the land the Board 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.

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

36.—(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 Board any easement or right required for the purposes of this Act in over or affecting any such Grant of easements by persons under disability.

lands (not being an easement or right of water in which some person other than the grantor has an interest).

(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.

Provision of substituted sites.

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

Power to reinstate owners or occupiers of property.

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

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

Agreements with adjoining owners.

39.—(1) The Board 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 works authorised by this Act or of land which may be acquired under this Act with respect to the sale by the Board to him of any land.

(2) The Board 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 Board for the purposes of this Act.

Retention and disposal of land.

40.—(1) The Board may—

- (a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Act;
- (b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form);
- (c) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest;
- (d) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition;

(e) on any such exchange give or take money for equality of exchange:

Provided that the Board shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall release the Board or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Board or any persons from or through whom the Board have derived title to it.

41. On selling any land the Board—

- (a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;
- (b) may make the sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the deposit or discharge of manure sewage or other impure matter or otherwise as they think fit.

Reservation of easements &c. by Board.

42. For the protection of the King's Lynn Conservancy Board (in this section referred to as "the conservancy board") the commission and the owners and lessees of or other persons for the time being interested in any of the bridges quays wharves jetties or other works within the port of King's Lynn (in this section referred to as "the port") the following provisions shall unless otherwise agreed in writing between the Board and the conservancy board or the commission or the conservancy board on behalf of such other persons as aforesaid (as the case may be) apply and have effect:—

For protection of port of King's Lynn &c.

- (1) Work No. 29 by this Act authorised shall not be brought into operation for purposes other than normal land drainage until after there shall have been provided executed or constructed at the expense of the Board all such works or things (including without prejudice to the generality of the foregoing provision dredging) (in this section referred to as "protective works") as may be agreed or be required to be provided executed or

constructed under the provisions of this section for preventing as far as may be reasonably practicable—

(a) any obstruction or danger to navigation occurring in the river Great Ouse within the port or in any channel in the Wash for the time being forming part of the shipping approach to the port ; or

(b) any damage or injury caused by scouring or erosion to the banks of the said river within the port the docks or railway bridge of the commission or any other bridges quays wharves jetties or other works within the port ;

and arising from the construction or operation of the said Work No. 29 :

- (2) The conservancy board on behalf of the owner or lessee of or other person for the time being interested in any bridge quay wharf jetty or other works within the port (other than the commission) or the commission (each of whom is in this section referred to as a "protected party") may at any time within twelve months after the passing of this Act give notice in writing to the Board that they require protective works to be provided executed or constructed for any of the purposes aforesaid specifying the nature of such works and such protective works shall be provided executed or constructed by the Board to the reasonable satisfaction of the protected party or (with the consent of the Board) by the protected party and in either case in accordance with plans specifications and particulars to be agreed upon between the Board and the protected party or settled in default of agreement by arbitration. Provided that so much of any protective work as involves interference with any work of the commission shall if the commission so desire be provided executed or constructed by them :
- (3) If the Board dispute the necessity for the protective works required by any such notice or are of opinion that protective works of a different nature would afford not less effective protection to the protected party the question shall in default of agreement be referred to and determined by arbitration :
- (4) The protective works shall when provided executed or constructed be maintained by the Board at all times in good and proper condition or (with the consent of the Board) by the protected party :
- Provided that so much of any protective work as under the powers of this section may be provided

executed or constructed by the commission shall if the commission so desire be maintained as aforesaid by them:

(5) The reasonable costs and expenses incurred by any protected party in providing executing constructing or maintaining any protective works in accordance with subsection (2) or subsection (4) of this section shall be repaid to such party by the Board:

(6) Every protected party shall permit the Board their officers servants and workmen at all reasonable times to enter upon the premises of the protected party—

(a) for the purpose of making all such surveys and borings as may be reasonably necessary for determining the nature and extent of the protective works to be provided executed or constructed by the Board under the foregoing provisions of this section; and

(b) for the purpose of executing or constructing or maintaining such protective works as aforesaid;

and shall grant to the Board free of cost all such facilities as may be reasonably necessary for those purposes or any of them:

Provided that—

(i) such officers servants and workmen shall not enter upon any land of the commission except after reasonable notice has been given to the commission by the Board in that behalf and in exercising the powers of this subsection upon such land they shall comply with such reasonable requirements of the commission as may be necessary for the purposes of safety and for preventing interference with their traffic;

(ii) no borings shall be made upon any land of the commission except with the reasonable approval of the engineer of the commission and under his supervision (if given) and the Board shall repay to the commission any expenses reasonably incurred by the commission in respect of the employment of inspectors signalmen or watchmen whom it may be reasonably necessary to appoint for preventing as far as may be interference obstruction or danger arising from the work:

(7) If within four months after any occasion when the said Work No. 29 shall have been in operation for purposes other than normal land drainage—

(a) the river Great Ouse within the port or any channel in the Wash for the time being forming part

of the shipping approach to the port shall be obstructed or rendered dangerous to navigation; or

(b) any damage or injury shall occur or be occasioned by scouring or erosion to the banks of the said river within the port or the docks or railway bridge of the commission or any other bridges quays wharves jetties or other works within the port;

the Board shall at their own expense (whether or not any protective works shall have been constructed executed or provided in accordance with the provisions of this section)—

(i) take all such steps (including without prejudice to the generality of this provision dredging and the construction of further protective works) as may be necessary to remove such obstructions and dangers and to prevent so far as may be reasonably practicable any recurrence thereof;

(ii) make good all such damage or injury to the reasonable satisfaction of the protected party concerned or (at the option of the protected party) compensate the protected party for such damage or injury; and

(iii) compensate the protected party and any other persons injuriously affected for any loss damage injury or expense sustained or incurred by them in consequence of all or any of the matters aforesaid not being damage or injury which is made good or for which compensation is paid under the provisions of the last preceding paragraph:

Provided that—

(a) if any such obstruction danger damage or injury shall have occurred at any place between the most southerly limit of the port in the river Great Ouse and an imaginary straight line drawn across the estuary to the shores on each side in a due east and west direction through the northern end of the existing western training wall at the mouth of the said river then and in such case only this section shall not apply with respect to any such obstruction danger damage or injury which the Board shall prove to the reasonable satisfaction of the arbitrator not to have been caused directly or indirectly by the construction or operation of Work No. 29 and in every other case this section shall not apply unless the protected party shall prove to the reasonable satisfaction of the arbitrator that such obstruction danger

damage or injury has been directly or indirectly caused by the construction or operation of Work No. 29 ;

(b) the Board shall not be under any liability under this section unless the protected party concerned shall have given notice to the Board as soon as reasonably practicable after the occurrence of the event giving rise to such liability has come to the knowledge of the protected party ;

(c) any question arising as to the steps necessary to be taken by the Board for removing any such obstruction or danger or for preventing the recurrence thereof shall be determined (if not agreed between the Board and any protected parties concerned) by arbitration :

- (8) Any difference arising under this section between the Board on the one hand or the conservancy board or the commission or any other protected party on the other hand (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) and any difference which under the provisions of this section is to be referred to or settled by arbitration shall be referred to and settled by a single arbitrator to be agreed between the parties in dispute or in default of 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 and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

43. Notwithstanding anything in this Act the following provisions shall unless otherwise agreed in writing between the Board and the commission apply and have effect:—

For protection
of British
Transport
Commission.

(1) In this section—

“ the railway ” means the railways lands and works of the commission ;

“ the works ” means the works in respect of which plans sections drawings and specifications are required to be furnished by or in pursuance of subsection (3) of this section and includes the construction and renewal of such works ;

“ the engineer ” means an engineer appointed by the commission :

- (2) The Board shall not under the powers of this Act acquire compulsorily any lands of the commission but the

Board may in accordance with the section of this Act of which the marginal note is "Power to acquire easements only" acquire such easements and rights in the lands of the commission shown within the limits of deviation on the deposited plans as the Board may require for the purposes of the works:

- (3) (a) The Board shall before commencing so much of any of the works authorised by this Act as will be situated upon across over or under or within fifty yards of the railway furnish to the commission proper and sufficient plans sections drawings and specifications thereof for the reasonable approval of the engineer and the Board shall also furnish for the like approval such further plans sections drawings and specifications of the works authorised by this Act beyond the said distance of fifty yards as may be reasonably required by the engineer by notice in writing given within twenty-one days from the receipt by the commission of such first mentioned plans sections drawings and specifications on the ground that the construction or operation of works beyond that distance may affect the railway;

(b) The Board shall not commence the works until such plans sections drawings and specifications shall have been approved in writing by the engineer or in case of difference between the engineer and the Board until the same shall have been settled by arbitration:

Provided that if within eight weeks in the case of Works Nos. 29 32 and 45 by this Act authorised or in any other case twenty-eight days after such plans sections drawings and specifications have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved the same:

- (4) If within the said period of eight weeks or twenty-eight days (as the case may be) the commission shall give notice to the Board that they desire themselves to construct any part of the works (other than the excavation of the channel comprised in Work No. 29 or Work No. 32 or Work No. 45 by this Act authorised) and it is reasonable so to do then if the Board desire such part of the works to be constructed the commission shall construct the same with all reasonable dispatch on behalf and at the expense of the Board in accordance with the plans sections drawings and specifications approved or deemed to be approved or settled as aforesaid and to the reasonable satisfaction of the Board:

- (5) Within twenty-one days from the receipt by the commission of any notice under subsection (3) of this section or upon signifying his approval or disapproval of the said plans sections drawings and specifications the engineer may specify any temporary or permanent works which in his opinion should be carried out before the commencement of the works to ensure the stability of the railway or to protect the same from injury and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission on behalf and at the expense of the Board and the Board shall not commence the construction of the works until the engineer shall have notified the Board that such temporary or permanent works have been completed:

Provided that any temporary or permanent works to be constructed in pursuance of this subsection shall at the request of the Board be constructed with all reasonable dispatch:

Provided also that any such temporary or permanent works on the banks or in the bed of any river shall be carried out by the Board in lieu of the commission but in accordance with plans sections and particulars reasonably approved by and to the reasonable satisfaction of the commission and under the supervision (if given) of the engineer:

- (6) The Board shall give to the engineer twenty-eight days' notice in writing of their intention to commence the construction or renewal of Works Nos. 29 32 and 45 by this Act authorised and fourteen days' notice in writing of their intention to commence any other of the works or of their intention to execute any works of repair or maintenance on under or connected with any bridge over or under the railway comprised within the works:
- (7) The works (or so much thereof as shall be carried out by the Board) shall when commenced be carried out with all reasonable dispatch in accordance with any plans sections drawings and specifications approved or deemed to be approved or settled as aforesaid 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 the railway as may be and so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and if any such damage to the railway or any such interference or obstruction shall be caused or take place the Board shall notwithstanding any

such approval as aforesaid forthwith make good such damage and pay to the commission all costs and expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage interference or obstruction:

- (8) The Board 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:
- (9) Where any part of Work No. 29 or Work No. 45 by this Act authorised is to be constructed alongside the railway no excavation of the main channel comprised in either of the said works shall be made within a distance of one hundred and fifty feet from the centre of the line or lines of railway except that in the case of Work No. 29 such excavation may be made within a distance of not less than one hundred and twenty feet from the centre of the lines of railway between a point thirty chains north of the level-crossing at Downham Market station and a point seventy chains north of the said level-crossing:
- (10) Before any lands which the Board are by this Act authorised to acquire adjoining the railway are used by the Board as a reservoir or as an area into which water is to be diverted the Board shall carry out all such works as the engineer may reasonably require for protecting the railway from injury in consequence of such user and for the purposes of this section the expression "the works" shall include any works to be carried out in pursuance of this subsection:
- (11) Wherever it shall be reasonably necessary in carrying out the works to alter the level of any railway of the commission such alteration (whether within or beyond the limits of deviation shown on the deposited plans) shall be carried out by the commission on behalf of the Board and the Board shall take all such steps as may be necessary to acquire and vest in the commission free of all cost to them any additional lands which the commission may reasonably require to enable them to carry out such alterations:
- (12) Where in the exercise of any of the powers of this Act the Board raise or alter the level of any lands of the commission upon which boundary fences are placed the Board shall to the reasonable satisfaction of the commission replace such fences at the altered level:

- (13) Wherever any footpath is diverted under the powers of this Act so as to cross any railway of the commission otherwise than by means of an existing bridge or a bridge under or over the railway constructed under this Act the same shall be carried under or over the railway by means of a subway or bridge to be constructed for the purpose and for the purposes of this section the expression "the works" shall include every such subway or bridge and the construction maintenance and renewal thereof:
- (14) If any alterations or additions either permanent or temporary to the railway or to any signal-boxes signals telephone or telegraph posts or wires or any other works or apparatus of the commission shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the commission after notice has been given to the Board and the Board 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 any such altered or additional works or apparatus:
- (15) The Board shall repay to the commission all costs charges and expenses reasonably incurred by the commission in connection with the works—
- (a) in respect of the construction by the commission of any part of the works on behalf of the Board as provided by subsections (4) and (11) of this section or of any temporary or permanent works under the provisions of subsection (5) of this section;
 - (b) in respect of the employment of any inspectors signalmen watchmen and other persons whom it may be reasonably necessary to appoint for inspecting watching lighting and signalling the railway and for preventing as far as may be all interference obstruction danger or accident arising from the works;
 - (c) in respect of any special traffic working during the execution of the works resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services; and
 - (d) in lighting during the execution of the works the railway in the vicinity of the works:
- (16) The Board shall at all times after the construction of the works maintain the same in substantial repair and good order and condition and when necessary renew

the same to the reasonable satisfaction and under the supervision (if given) of the engineer and if and whenever the Board fail so to do after reasonable notice in that behalf the commission may make and do in and upon the lands of the commission or of the Board all such works and things as shall be requisite in that behalf and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Board:

- (17) The commission may at any time within one year after the construction of any part of the works being a new bridge carrying the railway of the commission over any other part of the works or being a subway under or a bridge over the railway constructed in pursuance of this section give to the Board one month's notice in writing of their intention to assume responsibility for the maintenance of such part of the works and on the expiration of any such notice the Board shall cease to be under any obligation to maintain repair or renew such part of the works the structure of which shall thereupon vest in the commission. The Board shall pay to the commission in consideration of their release from all obligations to maintain repair or renew any such part of the works as aforesaid such sum or sums as may be agreed or in default of agreement as may be determined by arbitration:
- (18) The Board 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—
- (i) by reason of the works or any works of maintenance or repair in connection therewith; or
 - (ii) by reason of the failure of any new bridge comprised within the works or any works connected therewith (other than any bridge or works for the maintenance repair or renewal of which the commission have assumed responsibility pursuant to the immediately preceding subsection of this section); or
 - (iii) by reason of the failure of any existing bridge of the commission or any renewal thereof substantially due to the construction or use of any of the works being a new or altered water channel through or under such bridge; or
 - (iv) by reason of any act or omission of the Board or of any person in their employ or of their contractors whilst engaged upon the works or any works of maintenance or repair in connection therewith;

and the Board shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such failure or act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Board or in accordance with any plan section drawing or specification approved by the engineer or in accordance with any 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 or others whilst engaged upon the works) excuse the Board from any liability under the provisions of this section :

- (19) Any additional expense which the commission may reasonably incur after giving one month's notice thereof to the Board in widening altering reconstructing or maintaining the railway 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 Board to the commission :
- (20) If it shall be reasonably necessary for the protection and safety of the railway for the commission to purchase any minerals for the support of the works or to pay compensation for any minerals to be left unworked for the support of such works the Board shall repay to the commission the amount paid by them for or in respect of such minerals and the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation :
- (21) Any difference arising between the Board and the commission or the engineer under this section (other than a difference to which the provisions of the Lands Clauses Acts apply or a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to and determined by an arbitrator to be agreed upon between the Board and the commission or failing such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

44. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions for the protection and benefit of the respective county councils of the administrative counties of Cambridge Isle of Ely Norfolk and West Suffolk (all of whom are hereinafter in this section referred

For protection
of county
councils.

to as "the county councils") shall unless otherwise agreed in writing between the Board and the county council apply and have effect:—

(1) In this section—

"authorised work" means—

(a) any road highway approach road or diversion of a road which under or by virtue of this Act or any notice given under this Act will or may be repairable by the county council; and

(b) any bridge authorised by this Act to be constructed which is intended to carry a county road or any such road highway or diversion of a road as is referred to in paragraph (a) of this subsection over any of the works authorised by this Act; and

"the county council" means the county council of the administrative county in which the authorised work in relation to which the expression is used is situate:

- (2) Before commencing the construction of any authorised work the Board shall submit to the county council plans sections and specifications thereof for their reasonable approval:
- (3) If the county council shall not within twenty-eight days after the submission to them of any plans sections and specifications under the provisions of this section signify to the Board in writing their approval or disapproval thereof they shall be deemed to have approved the same:
- (4) The Board shall not construct any authorised work otherwise than in accordance with such plans sections and specifications as may be so approved by the county council or if such approval be refused as may be settled by arbitration and all such works shall be constructed under the supervision (if given) and to the reasonable satisfaction of the county council:
- (5) Subject to the provisions of the sections of this Act of which the marginal notes are respectively "Diversion and stopping up of roads &c." and "Maintenance of roads" and subject to the provisions of any agreement made under the section of this Act of which the marginal note is "Power to make agreements with road authorities" every bridge constructed under the powers of this Act together with the immediate approaches thereto and all necessary works connected therewith

(except the road on and over the said bridge and the said immediate approaches) shall be maintained by the Board:

- (6) Any question or dispute which may arise between the Board and any of the county councils under the foregoing provisions of this section (other than a question or dispute as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to a single arbitrator to be agreed upon between the parties or in default of such agreement to be appointed on the application of either party after notice to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

45. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of King's Lynn (hereinafter referred to as "the corporation" and "the borough" respectively) shall unless otherwise agreed in writing between the Board and the corporation apply and have effect (that is to say):—

For protection
of King's Lynn
Corporation.

- (1) Not less than three months before water is allowed to pass from the relief cut or channel (Work No. 29) by this Act authorised the Board shall at their own expense and to the reasonable satisfaction of the corporation provide and instal electrically driven centrifugal pumps together with all necessary buildings machinery suction pits and electric lines and apparatus—

(a) at the dock sewer outfall of the corporation in the borough for the purpose of pumping sewage effluent from that outfall into the river Ouse at all states of the tide and having a capacity of not less than one thousand six hundred gallons per minute; and

(b) at the Gaywood sewer outfall of the corporation in the borough for the purpose of pumping sewage effluent from that outfall into the river Ouse at all states of the tide and having a capacity of not less than six hundred gallons per minute:

- (2) If by reason or in consequence of the exercise by the Board of the powers of this Act it is reasonably necessary at any time to pump the sewage effluent into the river Ouse at any state of the tide from the West Lynn (North) outfall and the West Lynn (South) outfall or either of them the Board shall at their own expense and to the reasonable satisfaction of the corporation provide and instal such electrically driven centrifugal

pumps together with all necessary buildings machinery suction pits and electric lines and apparatus as the corporation shall reasonably require for the purpose:

(3) All pumps buildings machinery suction pits electric lines and apparatus provided and installed by the Board to the reasonable satisfaction of the corporation under the provisions of this section shall vest in the corporation:

(4) In this section—

the “ West Lynn (South) outfall ” means the sewer outfall of the corporation in the borough which discharges into the river Ouse to the south of the canning factory and across the enclosure numbered 158 in the parish of West Lynn on the 1/2500 Ordnance map (edition of 1929) Norfolk sheet XXXIII.10; and

the “ West Lynn (North) outfall ” means the sewer outfall of the Corporation in the borough which discharges into the river Ouse to the south of West Lynn drain and across the enclosure numbered 150 in the parish of West Lynn on the said map:

(5) The corporation shall permit the Board their contractors agents and workmen at all reasonable times to enter upon any lands or premises of the corporation and shall afford to the Board free of cost all such facilities in over or under such lands or premises as may be necessary for the purpose of installing such pumps buildings machinery pits electric lines and apparatus as are referred to in subsection (1) or subsection (2) of this section:

(6) Any difference arising between the Board and the corporation under this section (other than a difference as to the meaning or construction of the section which does not arise in the course of the arbitration) shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such determination.

For protection
of City of Ely
Urban District
Council.

46. For the protection of the City of Ely Urban District Council (in this section referred to as “ the council ”) the following provisions shall unless otherwise agreed in writing between the council and the Board have effect (that is to say):—

(1) In this section—

“ the existing mains ” means the two water mains of the council situate in the Ely to Soham road;

“ the new mains ” means the pipes having carrying capacities not less than those of the existing mains and laid in substitution thereof ;

“ the urban district ” means the urban district of the city of Ely ; and

“ the surveyor ” means the surveyor for the time being of the council :

- (2) The Board shall not in the exercise of any of the powers of this Act stop up remove alter or interfere with or do anything which may impede the passage of effluent and water through or interfere with the access to (a) the outfall from the sewage works of the council situate on the left bank of the river Ouse to the west of Common Muckhill railway bridge or (b) the surface water channel discharging into the river Ouse on the left bank near the Cutter Inn :
- (3) If in consequence of the execution by the Board of Works Nos. 41 or 42 authorised by this Act it is reasonably necessary to alter the position of or interfere with the existing mains the Board shall at their own expense and to the reasonable satisfaction of the council provide in the footway or footways of the viaduct to be constructed by the Board for the purpose of carrying the Ely to Soham road over the by-pass channel Work No. 41 authorised by this Act and in the footway or footways of the approaches to that viaduct accommodation and support of such a nature and in such position as the surveyor may reasonably require for the new mains and for a cast iron or steel sewerage pumping main having an internal diameter not exceeding six inches :
- (4) (a) The Board not less than twenty-eight days before commencing—
- (a) any part of Work No. 41 or Work No. 42 authorised by this Act which affects in any way the existing mains ; or
- (b) any part of Work No. 32 or Work No. 41 authorised by this Act which affects any drove or public footpath within the urban district ;
- shall deliver to the council a plan section and particulars of such part of such works describing the proposed manner of executing the same ;
- (b) At any time within twenty-eight days from the receipt of any such plan section and particulars the council may by notice in writing to the Board intimate their disapproval of the proposed manner of executing

such works so far as they will or may (i) involve interference with or endanger the existing mains or (ii) affect any drove or public footpath or may require any reasonable amendments of such plan section and particulars and in particular they may require the provision of the accommodation and support mentioned in subsection (3) of this section and the provision of ramps for the purpose of providing access from and to such drove or footpath to and from the adjoining lands;

(c) If the council shall not within the said period of twenty-eight days give any such notice in writing to the Board as aforesaid they shall be deemed to have approved the plan section and particulars as submitted and if within that period they give such notice the matters in difference shall (if not agreed between the council and the Board) be settled by arbitration as hereinafter provided:

(5) The Board shall not construct any such part of such works as aforesaid except in strict accordance with such plan section and particulars as so approved or deemed to be approved by the council or settled by arbitration as aforesaid:

(6) The council may if it is reasonably necessary so to do for the protection of the existing mains and if required by the Board shall with all reasonable dispatch—

(i) provide and lay down such works and apparatus as may be reasonably necessary for that purpose; or

(ii) raise sink or otherwise alter the position of the existing mains and support the same and substitute temporarily or otherwise other apparatus in such manner as may be reasonably necessary and lay or place under any apparatus cement concrete or other protective substance:

(7) The Board shall not in the exercise of any of the powers of this Act remove raise sink or otherwise alter the position of or interfere with the existing mains or do anything which may impede the passage of water through the same or interfere with the access thereto—

(a) without the consent in writing of the council which shall not be unreasonably withheld; nor

(b) in any manner other than shall be reasonably approved by the Council; nor

(c) until the council shall have provided and laid down and made ready for use such good and sufficient apparatus as they may consider to be reasonably necessary for continuing the supply of water:

- (8) The Board in constructing the said Work No. 32 or the said Work No. 41 shall not except in the case of any diversion shown on the deposited plans cause any permanent interference with or obstruction to the public rights of way along any drove or footpath within the urban district or from or to such drove or footpath to or from the adjoining lands:
- (9) All works to be executed or provided by the council under subsection (6) of this section shall be so executed or provided to the reasonable satisfaction and at the expense of the Board:
- (10) If in the exercise by the Board of any of the powers of this Act any damage to any apparatus or property of the council or any interruption in the supply of water by the council shall be caused the Board shall bear and pay to the council the cost reasonably incurred by the council in making good such damage and shall make compensation to the council for any loss sustained by them by reason of such interruption of supply and shall indemnify the council against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the council by reason or in consequence of any such damage or interruption:
- (11) If any loss of water shall be sustained by the council by reason of any act or omission of the Board or of any of their contractors agents workmen or servants or any person in the employ of them or any of them in the construction by the Board of Work No. 41 or Work No. 42 authorised by this Act the Board shall pay to the council the value of any water so lost as aforesaid:
- (12) The reasonable expense of all repairs to or renewals of the existing mains or the new mains which may be rendered reasonably necessary within a period of twelve months after the completion of Work No. 42 authorised by this Act by reason or in consequence of any act omission or default of the Board or their contractors or agents or workmen or servants or any of them or by or in consequence of any failure of the said work or of any subsidence resulting from the execution of that work shall be borne by the Board and paid by them to the council:
- (13) Any work to be executed or provided by the Board under this section in connection with (a) the existing mains or (b) the accommodation mentioned in subsection (3) of this section or (c) any drove or public footpath within the urban district affected by Work

- No. 32 or Work No. 41 authorised by this Act shall be so executed or provided by the Board to the reasonable satisfaction and under the inspection (if after reasonable notice in writing from the Board such inspection be made) of the surveyor:
- (14) The Board shall bear and pay to the council the amount of any expenses reasonably incurred by the council in or in connection with—
- (a) providing and laying in the accommodation to be provided by the Board pursuant to subsection (3) of this section the new mains externally protected in a suitable manner as shown on plans to be reasonably approved by the Board;
 - (b) the cutting off of any apparatus of the council from any other apparatus and the connection of any new or any substituted apparatus to any existing apparatus of the council rendered unnecessary by reason of the exercise of the powers of this Act;
 - (c) the diversion relaying alteration or removal of apparatus or the provision and laying of substituted apparatus under and in accordance with the provisions of this section; and
 - (d) in the employment of watchmen and inspectors by the council with reference to and during the execution by the Board of any works affecting or likely to affect the existing mains or other apparatus of the council:
- (15) The road or drove to be substituted for that part of Springhead Lane which the Board may divert in accordance with the sections of this Act of which the marginal notes are respectively "Diversion and stopping up of roads &c." and "As to diversion of Springhead Lane" shall be constructed so that the surface of the road or drove is at such a level as shall be reasonably approved by the council as being above the normal flood level of the river Ouse:
- (16) The Board shall from time to time as the excavations for the purpose of abstracting clay from the lands coloured pink on the plan referred to in the last-mentioned section of this Act (being the lands numbered on the deposited plans 89-91 94 and parts of 90 92-93 and 95 in the urban district) proceed plant on the slopes and at the tops of the excavations such numbers of willow and other trees and shrubs as may be reasonably necessary for the purpose of harmonising the site with the surrounding countryside:

- (17) The Board shall also from time to time as the said excavations proceed construct and thereafter maintain a public footpath near the water's edge of the excavations about eight to ten feet above water level to the reasonable requirement and satisfaction of the council and shall plant small ornamental trees at suitable intervals between the edge of the said public footpath and the water. Provided that the word "maintain" shall not include the repair of the surface of the said footpath but it shall include the taking of steps to prevent the disappearance of the footpath due to the action of the weather or subsidence:
- (18) If any difference shall arise between the Board and the council under this section (other than a difference as to the construction or meaning of this section which does not arise in the course of the arbitration) such difference shall be referred to and determined by an arbitrator to be agreed upon between them 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 and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

47. For the protection of the Church Commissioners (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed in writing between the Board and the commissioners apply and have effect with respect to the exercise of the powers of this Act:—

For protection
of Church
Commissioners.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Board shall not under the provisions of this Act purchase or acquire compulsorily the lands in the urban district of the city of Ely delineated on the deposited plans and thereon numbered respectively 5 and 7:
- (2) If in or in connection with the execution of the powers of this Act the Board require to—
- (a) effect any alteration of the culvert of the commissioners situate on the said land in the urban district of the city of Ely delineated on the deposited plans and thereon numbered 5 and discharging into the river Ouse; or
- (b) effect any alteration of the outlet into the river Ouse from the Kettleworth catchwater of the commissioners situate on the said land in the urban district of the city of Ely delineated on the deposited

plans and thereon numbered 7 or to carry out works affecting the culvert forming the said catchwater;

all such alterations and works shall be carried out in accordance with plans sections and specifications previously submitted to and approved by and to the reasonable satisfaction of the commissioners:

- (3) Any difference which may arise between the Board and the commissioners under subsection (2) of this section shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either party after notice in writing to the other by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

Power to borrow.

48.—(1) Subject to the provisions of this Act the Board shall have power from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Board may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

Purpose	Amount	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing
1	2	3
(a) The purchase of lands and easements.	£460,000	Fifty years.
(b) The execution of the works authorised by this Act.	£5,706,000	Fifty years.
(c) The execution of works under the general powers of the Board.	£74,000	Fifty years.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Board may also with the sanction of the Minister borrow such further money as may be necessary for any of the purposes of this Act and any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister.

(3) Moneys borrowed by the Board under this section shall be charged indifferently on all the revenues of the Board.

49. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.
8 & 9 Geo. 6.
c. 18.
9 & 10 Geo. 6.
c. 58.

50. Subject to the provisions of this Act the provisions of section 20 (Expenses of catchment board) section 21 (Contributions by internal drainage board to catchment board and by catchment board to internal drainage board) section 22 (Precepts issued by catchment board) and section 55 (Contributions out of public moneys towards expenses incurred by catchment boards in improvement of existing works or construction of new works) of the Act of 1930 shall apply as if the expenses or expenditure incurred by the Board under or in the execution of this Act were expenses or expenditure incurred under or in the execution of the Act of 1930 and as if moneys borrowed by the Board under the provisions of this Act were moneys borrowed under the provisions of the Act of 1930.

Application of Act of 1930.

51. The provisions of section 145 of the Local Government Act 1933 shall apply with respect to the alteration of any water-course under the powers of paragraph (d) or paragraph (f) of subsection (1) of the section of this Act of which the marginal note is "Subsidiary powers" or under the powers of the section of this Act of which the marginal note is "Power to divert streams &c."

Application of section 145 of Local Government Act 1933.
23 & 24 Geo. 5.
c. 51.

52. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Application of section 265 of Public Health Act 1875.
38 & 39 Vict.
c. 55.

53.—(1) Where any notice or document under this Act requires authentication by the Board the signature of the clerk or any other duly authorised officer of the Board shall be sufficient authentication.

Authentication and service of notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same

26 Geo. 5. & 1 Edw. 8. c. 49. manner as notices under the Public Health Act 1936 are by section 285 of that Act authorised to be served.

Judges not disqualified.

54. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

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

55.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Minister of Transport and subject to such restrictions and regulations as the Minister of Transport may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

Lights on works during construction.

56.—(1) The Board shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides 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 of Transport shall from time to time require or approve.

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

Saving for powers of Board.

57. Nothing in this Act contained shall derogate from prejudice or affect any rights powers or privileges exercisable by the Board under or by virtue of any other enactment passed or to be passed relating to catchment boards.

For protection of British Electricity Authority and Eastern Electricity Board.

58. For the protection of the British Electricity Authority and the Eastern Electricity Board (each of which is in this section referred to as "the electricity board") the following provisions shall unless otherwise agreed in writing between the Board and the electricity board apply and have effect with respect to the exercise of the powers of this Act:—

45 & 46 Vict. c. 56.

(1) In this section "apparatus" means all or any electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to the electricity board:

(2) The Board shall not be entitled to acquire any apparatus:

(3) Where the Board require to alter the position of or interfere with any apparatus the provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall (mutatis mutandis and subject to the provisions of subsection (5) of this section) apply in relation to such alteration or interference whether or not such apparatus is under a street or place authorised to be broken up by the Board and shall be deemed to extend to any apparatus laid down erected or constructed upon or above the level of the ground and the Board shall not alter the position of or interfere with any apparatus except in accordance with and subject to the said provisions as applied and extended as aforesaid:

(4) The Board shall not carry out any work authorised by this Act near to which any apparatus has been lawfully placed except in accordance with and subject to the provisions of section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 Provided that for the purposes of this subsection the said section 18 shall have effect as if the words "fourteen days" were substituted for the words "three days" in subsection (1) thereof:

(5) Any difference which may arise between the Board and the electricity board under this section or under section 15 of the said Act of 1882 or section 17 of the schedule to the said Act of 1899 as respectively applied or extended by this section or under section 18 of the said schedule shall be referred to and determined by an arbitrator to be agreed upon between them or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

59. 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.

Saving for town and country planning.

60. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land

Crown rights.

hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

61. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of moneys to be borrowed for that purpose or out of any moneys in their hands.

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