



British Railways Act 1990

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ELIZABETH II



1990 CHAPTER xxv

An Act to empower the British Railways Board to construct works and to purchase or use land; to extend the time for the compulsory purchase of certain land; to confer further powers on the Board; and for other purposes. [26th July 1990]

WHEREAS—

(1) By the Transport Act 1962 the British Railways Board (hereinafter referred to as “the Board”) were established: 1962 c. 46.

(2) It is the duty of the Board under the said Act of 1962, (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

(3) It is expedient that the Board should be empowered to construct the works authorised by this Act and to purchase or use the land referred to in this Act:

(4) It is expedient that the period now limited for the compulsory purchase of certain land should be extended as provided by this Act:

(5) It is expedient that the other powers in this Act contained should be conferred on the Board as therein provided, and that the other provisions in this Act contained should be enacted:

(6) Plans and sections showing the lines or situations and levels of the works to be constructed under this Act, and plans of the land authorised to be purchased or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said land, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the councils of the London boroughs and the several counties and metropolitan districts within which the said works may be constructed or the said land is situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the British Railways Act 1990.
- Interpretation. 2.—(1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have in relation to the related subject-matter the same respective meanings; and —
- 1845 c. 20. “the Act of 1845” means the Railways Clauses Consolidation Act 1845;
- 1863 c. 92. “the Act of 1863” means the Railways Clauses Act 1863;
- 1965 c. 56. “the Act of 1965” means the Compulsory Purchase Act 1965;
- 1981 c. xxxv. “the (No. 2) Act of 1981” means the British Railways (No. 2) Act 1981;
- 1984 c. xx. “the (No. 2) Act of 1984” means the British Railways (No. 2) Act 1984;
- 1987 c. xxix. “the Act of 1987” means the British Railways Act 1987;
- “the Board” means the British Railways Board;
- “enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “the limits of deviation” means the limits of deviation shown on the deposited plans;
- “reference point” means Ordnance Survey National Grid reference point;

“the specified enactments” means the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation Act 1842, section 47 of the Act of 1845, sections 5, 6 and 7 of the Act of 1863 and any other provision to the same or similar effect incorporated with, or contained in, any enactment;

PART I
—*cont.*
1839 c. 45.
1842 c. 55.

“traffic sign” has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1984 and section 65 (1) of that Act shall have effect with respect to the erection and display of any traffic sign by the Board as if it were a traffic sign erected and displayed by a highway authority;

1984 c. 27.

“the tribunal” means the Lands Tribunal; and

“the works” means the works authorised by Part II (Works, etc.) of this Act.

(2) All directions, distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction, distance and length and distances between points on a railway shall be taken to be measured along the railway.

(3) Any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(4) References in this Act to points identified by letters shall be construed as references to the points so lettered on the deposited plans.

3.—(1) The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with this Act, are incorporated with this Act, and this Act shall be the special Act for the purposes of the said incorporated enactments:—

Incorporation of
general
enactments.

(a) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 15, 17, 19, 20, 22 and 23 thereof; and

(b) in the Act of 1863, Part I (relating to the construction of a railway), except sections 13 to 19 thereof, and Part II (relating to extension of time).

(2) (a) For the purposes of the enactments incorporated by subsection (1) above—

(i) the expression “the company” where used in those enactments means the Board;

(ii) Works Nos. 1A, 10A, 10B and 11 shall be deemed to be railways authorised by the special Act.

(b) For the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated by subsection (1) above the railway station described in section 6 (Railway stations at Smethwick, The Hawthorns and Vyse Street) of this Act as The Hawthorns station to the extent that it is to be constructed on any part of the land numbered on the deposited plans 11 to 38 and 40 to 47 in the metropolitan borough of Sandwell, West Midlands, shall be deemed to be a railway authorised by the special Act.

(c) Sections 18 and 21 of the Act of 1845, as incorporated by subsection (1) above, shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—

(i) Part II of the Public Utilities Street Works Act 1950; or

1950 c. 39.

(ii) section 27 (For protection of electricity, gas and water undertakers) of the (No. 2) Act of 1984, as incorporated with this Act.

PART I
—cont.Application of
Part I of
Compulsory
Purchase Act
1965.

1981 c. 67.

4.—(1) Part I of the Act of 1965 (except sections 4 and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), so far as it is applicable for the purposes of and is not inconsistent with this Act, shall apply to the compulsory purchase of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

(2) In section 11 (1) of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than 14 days' notice), as so applied, for the words "fourteen days" there shall be substituted "three months".

1845 c. 18.

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

PART II

WORKS, ETC.

*Works*Power to make
works.

5. The Board may, in the lines or situations shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections, make and maintain the following works with all necessary works and conveniences connected therewith:—

In the City of Birmingham and the metropolitan borough of Sandwell,
West Midlands—

(Railway at
Birmingham).

Work No. 1 A railway (3,805 metres in length and partly in existing tunnels) in the city of Birmingham, commencing at Handsworth by a junction with the railway between Smethwick West and Handsworth sidings at a point 60 metres east of the bridge carrying that railway over Booth Street and terminating at Birmingham Snow Hill station by a junction with the railway serving that station at a point 8 metres south-east of the bridge carrying that station over Lionel Street:

(Bridge widening
at Smethwick).

Work No. 1A A widening on both sides thereof of the bridge at Smethwick in the borough of Sandwell carrying the railway between Smethwick West and Handsworth sidings over the Birmingham Canal, Birmingham level:

In the metropolitan borough of Doncaster, South Yorkshire—

(Railway at
Tickhill).

Work No. 2 A railway (650 metres in length) in the parish of Tickhill, commencing by a junction with the railway between Shireoaks and Doncaster at a point 479 metres north-east of the bridge carrying Apy Hill Lane over that railway and terminating by a junction with the railway between Shireoaks and Harworth Colliery at a point 109 metres north of the bridge carrying the last-mentioned railway over Apy Hill Lane:

Partly in the district of Ashfield and partly in the borough of Gedling,
county of Nottinghamshire—

(Railway at
Kirkby in
Ashfield).

Work No. 3 A railway (6,323 metres in length and partly in tunnel) commencing at Kirkby in Ashfield in the district of Ashfield by a junction with the railway between Pye Bridge and Shirebrook at a point 3 metres south-west of the bridge carrying Victoria Road (B.6020) over that railway, passing

through the parish of Annesley and Felley in that district and through the parish of Newstead in the borough of Gedling and terminating in the parish of Linby in that borough by a junction with the railway between Nottingham (Mansfield Junction) and Linby Colliery at a point 202 metres north-west of the level crossing known as Linby Station crossing (reference point SK5325:5082) whereby Wighay Road (B.6011) is crossed by that railway:

PART II
—cont.

In the city of Bristol, county of Avon —

Work No. 4 A railway (500 metres in length) at the St. Philip's Marsh depot of the Board, commencing by a junction with the railway comprising part of the former Bristol Avoiding line at a point 160 metres east of the bridge carrying that railway over Albert Crescent and terminating at a point 148 metres east of the buffer stop of the middle siding of the southernmost fan of sidings comprised in that depot:

(Railway at
St. Philip's
Marsh).

In the borough of Warrington, county of Cheshire —

Work No. 5 A railway (316 metres in length) commencing by a junction with the Fiddlers Ferry branch railway at a point 11 metres east of the bridge carrying the West Coast Main Line and Warrington Bank Quay station over the said branch railway and terminating by a junction with the railway between Chester and Warrington at a point 90 metres north-west of the junction of Slutchers Lane with Broad Arpley Lane:

(Railway at
Warrington).

In the borough of Stockton-on-Tees, county of Cleveland —

Work No. 6 A railway (944 metres in length), being a deviation of the railway between Eaglescliffe and Billingham, commencing by a junction with that railway at a point 200 metres north-east of the bridge carrying that railway over the A.177 road at Stockton station and terminating by a junction with that railway at a point 170 metres north-east of the junction of Appleton Road with Northbourne Road:

(Deviation
railway at
Stockton-on-
Tees).

In the borough of Newport, county of Gwent —

Work No. 7 A railway (647 metres in length) at Bassaleg, commencing in the community of Graig by a junction with the Machen Quarry branch railway at a point 58 metres west of the bridge carrying that railway over the river Ebbw (afon Ebwy) and terminating in the community of Rogerstone within the works of British Alcan Aluminium plc on the north bank of the said river at reference point ST2718:8747, including a bridge over that river:

(Railway at
Bassaleg).

Partly in the borough of Port Talbot, county of West Glamorgan, and partly in the borough of Ogwr, county of Mid Glamorgan —

Work No. 8 A railway (592 metres in length) at Cefn Cribwr, being a deviation of the Ogmore Valleys Extension railway, commencing in the borough of Port Talbot at a point 310 metres south-west of the watercourse known as Nant Iorwerth-Goch where it passes in culvert beneath that railway and terminating in the community of Cefn Cribwr at a point 91 metres east of the bridge carrying that railway over Bedford Road, including a bridge over that road:

(Deviation
railway at Cefn
Cribwr).

PART II
—cont.

(Bridge and viaduct widenings at Lewisham station).

In the London Borough of Lewisham—

Work No. 10A A widening on both sides thereof of the bridge at Lewisham station carrying the railway between Lewisham and Blackheath over Lewisham High Street and of the viaduct at each end of that bridge;

Work No. 10B A widening on both sides thereof of the bridge at Lewisham station carrying the railway between Lewisham and Ladywell over Mill Road and the Ravensbourne River and of the viaduct at the northern end of that bridge:

In the borough of Dartford, county of Kent—

(Bridge widening at Dartford station).

Work No. 11 A widening on the northern side thereof of the bridge at Dartford station carrying the railway between Dartford and Stone Crossing over Overy Street.

Provisions relating to Works Nos. 1 and 1A

Railway stations at Smethwick, The Hawthorns and Vyse Street.

6.—(1) In this section—

“Smethwick station” means a railway station on any part of the land numbered on the deposited plans 1 to 6 and 8 in the metropolitan borough of Sandwell to serve the railways between Smethwick West station and Handsworth sidings and between Sandwell & Dudley and Smethwick (Rolfe Street) stations;

“The Hawthorns station” means a railway station on any part of the land numbered on the deposited plans 10 to 47 in the said metropolitan borough to serve the railway between Smethwick West station and Handsworth sidings; and

“Vyse Street station” means a railway station on so much of the land numbered on the deposited plans 33 and 35 to 37 in the city of Birmingham as lies within the line marked “Limit of land to be used for railway station” to serve Work No. 1.

(2) If the Board proceed with the construction of Works Nos. 1 and 1A, they may—

(a) make, maintain and operate Smethwick station, The Hawthorns station and Vyse Street station, or any of them, with all necessary works and conveniences connected therewith; and

(b) form and lay out—

(i) means of vehicular access to Oldbury Road between points “D” and “E” for the purpose of constructing Smethwick station and thereafter to serve that station and other works and lands of the Board in the vicinity thereof;

(ii) means of vehicular access to Halford’s Lane at point “A” and Carlton Road at point “B” for the purpose of constructing The Hawthorns station and thereafter to serve that station and other works and lands of the Board in the vicinity thereof; and

(iii) means of pedestrian access from Vyse Street station to Vyse Street at point “B”.

Appropriation of works for Work No. 1 and new railway station at Vyse Street.

7.—(1) In this section—

“the new works” means Work No. 1 and the railway station at Vyse Street authorised by section 6 (Railway stations at Smethwick, The Hawthorns and Vyse Street) of this Act;

“the original works” means so much of the works authorised by the scheduled enactments as lies within the limit of deviation of Work No. 1 or the line marked “Limit of land to be used for railway station” on the deposited plans, for the said railway station at Vyse Street, as the case may be; and

“the scheduled enactments” means the enactments specified in Schedule 1 to this Act.

(2) If the Board proceed with the construction of the new works, they may hold, use and appropriate such part of the original works as they may require for the purposes of the new works and shall be relieved of the obligation to maintain the original works for the purpose of the scheduled enactments.

(3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the scheduled enactments in relation to the original works shall cease to have effect.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

8. The Board may in the city of Birmingham, for the purpose of constructing Work No. 1, and thereafter for their general purposes, form and lay out improved means of vehicular access from Benson Road at point “A” and from Livery Street at point “C”.

Access to Work
No. 1.

9.—(1) In this section “the relinquished works” means —

(a) so much of Work No. 6 authorised by the British Railways Act 1981 as extends between the north-western extremity of that work as constructed and the north-western termination of its authorisation; and

(b) Work No. 2 authorised by the (No. 2) Act of 1984.

Relinquishment
of works.

1981 c. xxiii.

(2) The Board shall relinquish the power to construct the relinquished works.

(3) The relinquishment under this section by the Board of the power to construct the relinquished works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any loss, damage or injury which has been sustained by that owner or occupier, or for any damage occasioned to that land, by reason of the exercise of any of the powers contained in the Act of 1845, the said Act of 1981, the (No. 2) Act of 1984 or any other enactment applying to the relinquished works.

Provisions relating to Work No. 3

10.—(1) In this section “the level crossings” means a level crossing, each comprising a single line of railway, across and on the level of —

(a) Grives Lane, being numbered on the deposited plans 8 in the district of Ashfield; and

(b) Tilford Road, being numbered on the deposited plans 4 in the parish of Newstead, borough of Gedling;

and includes either of those crossings as the case may be.

(2) The Board may in the construction of Work No. 3 provide the level crossings but shall not be required to erect or maintain a station or lodge thereat.

Level crossing of
Grives Lane,
Kirkby in
Ashfield, and
Tilford Road,
Newstead, by
Work No. 3.

PART II
—cont.

PART II
—cont.

(3) (a) The Board may, with the consent in writing of the Secretary of State and subject to such requirements as he may from time to time lay down, provide, maintain and operate at or near the level crossings such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(b) So long as the consent referred to in paragraph (a) above continues in force, the provisions (in so far as they are inconsistent with any such consent) of the specified enactments, except sections 5 and 7 of the Act of 1863, shall not apply to the level crossings.

Stopping up
footpath at
Kirkby in
Ashfield.

11. The Board may, in the district of Ashfield, stop up and discontinue so much of the footpath between Annesley and the Notts Golf Club in the parish of Annesley and Felley as lies between points "H" and "I".

Access to Work
No. 3 from
Grives Lane and
Tilford Road.

12. The Board may, for the purposes of constructing Work No. 3, and thereafter for their general purposes, form and lay out means of vehicular access from Grives Lane in the district of Ashfield at points "D" and "E" and from Tilford Road in the parish of Newstead, borough of Gedling, at point "F".

Provisions relating to Work No. 4

Maintenance
facility at St.
Philip's Marsh.

13. In the construction of Work No. 4, the Board may on any part of the land numbered on the deposited plans 1 and 2 in the city of Bristol, county of Avon, construct buildings for the repair and servicing of railway vehicles with all necessary works and conveniences connected therewith.

Provisions relating to Work No. 5

Raising of
private road and
public footpath
at Warrington.

14.—(1) In this section "the road" means the combined private road and public footpath in the borough of Warrington, county of Cheshire, linking Slutchers Lane with land and premises at Arpley Meadows on the west side of the West Coast Main Line.

(2) The Board may in the construction of Work No. 5 and a bridge to carry the road over that work, raise the level of the road between points "A" and "B".

Works at Lewisham and Dartford railway stations

Platform
extensions at
Lewisham and
Dartford railway
stations.

15. In the construction of Works Nos. 10A, 10B and 11, the Board may construct and maintain platform extensions with all necessary works and conveniences connected therewith—

- (a) at Lewisham railway station on any part of the widened bridges and viaducts comprised in Works Nos. 10A and 10B; and
- (b) at Dartford railway station on so much of the lands numbered on the deposited plans 6 to 10 in the borough of Dartford, county of Kent, as lies within the lines marked "Limit of platform extensions" on the deposited plans.

Footpaths, etc.

Footpath crossing
of river Ribble,
Preston.

16.—(1) In this section—

"the existing footpath" means so much of the footpath carried by the footbridge over the river Ribble as lies between points "A", "B" and "C";

"the footbridge" means the structure with all ancillary works and conveniences connected therewith provided for public pedestrian use pursuant to the relevant enactment and forming part of the viaduct;

“the new footpath” means a new footpath at Preston, partly in the borough of Preston and partly in the borough of South Ribble, county of Lancashire, between points “A”, “D”, “E”, “F” and “G”, a portion thereof between points “A”, “D” and “E” to be carried by the main span of the viaduct in the position shown on the deposited plans;

PART II
—cont.

“the relevant enactment” means section 22 (Company to construct a footbridge over the Ribble) of the East Lancashire Railway Act 1847 (Preston Extension); and

1847 c. cclxxxix.

“the viaduct” means the viaduct (Bridge No. 92) formerly carrying the railway between Preston and Preston Junction over the river Ribble in the said boroughs of Preston and South Ribble.

(2) Subject to the provisions of this Act, the Board may make the new footpath.

(3) Upon the completion and opening for public use of the new footpath—

(a) the Board may, notwithstanding anything in the relevant enactment, stop up and discontinue the existing footpath and thereupon take down and remove the footbridge or any part thereof; and

(b) the relevant enactment shall cease to have effect.

17.—(1) In this section—

“the footbridge” means the footbridge in the parish of Norton in the district of Ryedale, county of North Yorkshire, over the railway between Malton and Seamer stations adjacent to Church Street (B.1248) at the level crossing known as Malton crossing; and

Removal of
footbridge at
Norton, Ryedale.

“the footpath” means the footpath carried by the footbridge.

(2) The Board may stop up and discontinue the footpath and thereupon take down and remove the footbridge.

18.—(1) Subject to the provisions of this Act the Board may, at Tipton in the borough of Sandwell, West Midlands, stop up and discontinue so much of the footpath which is crossed by the railway between Tipton and Dudley Port stations at the level crossing known as Tipton Watery Lane crossing (reference point SO9593:9230) as lies within the boundaries of their property.

Tipton Watery
Lane level
crossing,
Sandwell.

(2) Subsection (3) (a) of section 9 (Stopping up, etc., level crossings) of the British Railways Act 1984 in its application to the said crossing shall cease to have effect.

1984 c. vii.

Level crossings

19.—(1) In this section “the level crossing” means the level crossing in the parish of Quidenham in the district of Breckland, county of Norfolk, known as Heath level crossing No. 58 (reference point TM0151:8952) whereby the road between East Harling and Wilby is crossed by the railway between Harling Road and Eccles Road stations.

Heath level
crossing No. 58,
Quidenham,
Norfolk.

(2) Subject to the provisions of this Act, the Board may make a new footpath in the parish of Quidenham between points “C” and “D”

PART II
—cont.

(3) Upon the completion and opening for public use of the said new footpath the Board may stop up and discontinue so much of the road between East Harling and Wilby as lies within the boundaries of the level crossing between points “A” and “B” and thereupon the provisions of the specified enactments shall cease to apply to the level crossing.

Level crossings
at West
Timperley,
Trafford.

20.—(1) In this section—

“the council” means Trafford Borough Council;

“the existing crossing” means the level crossing at West Timperley in the metropolitan borough of Trafford, Greater Manchester, known as Sinderland or Parkers crossing (reference point SJ7609:8991) whereby the combined road and footpath, the former between Sinderland Road and the former Brookside Farm and the latter between Sinderland Road and Sinderland Brook, are crossed by the railway between Glazebrook and Godley; and

“the new level crossing” means a new level crossing in the said metropolitan borough of Trafford whereby a new road between Sinderland Road and the site of the said former Brookside Farm, proposed to be constructed in connection with the residential development of that site, will cross the said railway at reference point SJ7604:8993 or in the vicinity thereof.

(2) The Board and the council may enter into and carry into effect agreements—

(a) for the construction of the new level crossing; and

(b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority under the Highways Act 1980.

(5) As from the completion and opening for public use of the new level crossing, all rights of way over the existing crossing shall be extinguished.

(6) Any person who suffers loss by the extinguishment under this section of such rights of way, if any, as may exist over the existing crossing shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

1980 c. 66.

New level
crossing at
Basford Vernon,
Nottingham.

21.—(1) In this section—

“the council” means Nottinghamshire County Council;

“David Lane crossing” means the level crossing at Basford Vernon in the city of Nottingham, county of Nottinghamshire (reference point SK5501:4334), whereby David Lane is crossed by the railway between Nottingham and Mansfield; and

“the new level crossing” means a new level crossing at Basford Vernon, whereby a new road connecting Mill Street with Southwark Street proposed to be constructed by the council will cross the said railway at reference point SK5498:4343 or in the vicinity thereof.

(2) The Board and the council may enter into and carry into effect agreements—

PART II
—cont.

- (a) for the construction of the new level crossing; and
- (b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) As from the completion and opening for public use of the new level crossing—

- (a) all rights of way over David Lane crossing shall be extinguished; and
- (b) the specified enactments shall cease to apply to David Lane crossing.

22.—(1) In this section—

Reduction in
status of level
crossings.

“the level crossings” means Littons Mill crossing and Mill Lane crossing or either of them;

“Littons Mill crossing” means the level crossing in the borough of Warrington, county of Cheshire, known as Littons Mill crossing (reference point SJ5959:8799) whereby the road known as Quay Fold is crossed by the railway between the former Warrington Bank Quay Low Level and Sankey Bridges stations;

“Mill Lane crossing” means the level crossing in the parish of Ickleton in the district of South Cambridgeshire, county of Cambridgeshire, known as Mill Lane crossing (reference point TL4968:4403) whereby Mill Lane is crossed by the railway between Great Chesterford and Whittlesford stations; and

“the special provisions” means such of the provisions of section 68 of the Act of 1845 as require the Board to maintain gates for the accommodation of the owners and occupiers of land adjoining the railway.

(2) (a) All rights of way over the level crossings, other than a right for all persons to use Littons Mill crossing on foot and Mill Lane crossing as a bridleway or on foot, are hereby extinguished and the Board shall provide and maintain gates or stiles on both sides of the railway at Littons Mill crossing and gates on both sides of the railway at Mill Lane crossing.

(b) The specified enactments shall cease to apply to the level crossings.

(3) The level crossings (including the gates thereof, other than the gates provided under subsection (2) (a) above), shall be deemed to be works provided by the Board at the passing of this Act under section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the land adjoining the railway and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any land the use of which would have been interrupted if the level crossings had been closed at the passing of this Act.

(4) If any part of the road crossed by the railway at the level crossings shall in consequence of this section cease to be a road over which the public has a right of way for the passage of vehicles, the owners and occupiers of

PART II
—cont.

the land abutting on such part shall be deemed to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said land from and to the level crossings.

(5) Any person who suffers loss by the extinguishment under this section of such private rights of way, if any, as may exist over the level crossings shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

(6) Notwithstanding the special provisions the Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide at or near Littons Mill crossing in substitution for the vehicular gates at that crossing such lifting barriers or other devices and appliances as may be approved by the Secretary of State.

(7) If lifting barriers are provided at or near Littons Mill crossing under subsection (6) above, section 75 of the Act of 1845 shall have effect in its application to that crossing as if for the words “shut and fasten any gate” there were substituted the words “lower and lock any lifting barrier”

General works provision

Use of sewers,
etc., for
removing water.

23.—(1) In this section “relevant authority” means any sewerage undertaker, the National Rivers Authority, an internal drainage board or a local authority.

(2) The Board may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of a relevant authority in or through whose area or district, as the case may be, the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation but—

(a) the Board shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and

(b) the Board shall not make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested and approval of those plans by the relevant authority shall not be unreasonably withheld.

1989 c. 15.

(3) (a) Section 107 of the Water Act 1989 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning given by section 103 of that Act as if this section were not a local statutory provision for the purposes of section 108 (1) (d) of that Act.

(b) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976.

1976 c. 70.

(4) The Board shall take all such steps as may reasonably be required to secure that any water discharged by them under this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.

(5) Any difference arising between the Board and a relevant authority under this section shall be referred to and settled by arbitration.

PART II
—cont.

Incorporated works provisions

24. The following works provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act: — Incorporation of works provisions.

The (No. 2) Act of 1981 —

Section 8 (Power to deviate);

Section 9 (Stopping up roads, bridleways and footpaths without providing substitute);

Section 10 (Stopping up roads, bridleways and footpaths in case of diversion or substitution);

Section 11 (Appropriating sites of roads, bridleways and footpaths);

Section 12 (Repair of roads, bridleways and footpaths);

Section 13 (Agreements between Board and highway authorities); and

Section 15 (Underpinning of buildings near works):

The Act of 1987 —

Section 12 (Temporary stoppage of roads, bridleways and footpaths).

PART III

LANDS

Purchase of land, etc.

25.—(1) The Board may purchase compulsorily and use such of the land delineated on the deposited plans and described in the deposited book of reference as they require for the purposes of the works or for any purpose connected with or ancillary to their undertaking. Purchase of land.

(2) Without prejudice to the generality of subsection (1) above, the Board may purchase compulsorily and use for the purposes specified in column (3) of Schedule 2 to this Act all or any of the land referred to in columns (1) and (2) of that schedule.

(3) The Board may enter upon, use and appropriate so much of the subsoil and undersurface of, or airspace over, any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of subsection (1) above without being required to purchase the same or any easement or other right therein or thereunder or to make any payment therefor.

(4) The Board shall not exercise the powers of this section or of section 26 (Purchase of rights over land) of this Act in relation to the specified lands as defined in section 27 (Temporary use of lands and access at Birmingham, Kirkby in Ashfield and Smethwick) of this Act.

26.—(1) In this section references to the purchase by the Board of new rights are references to the purchase of rights to be created in favour of the Board. Purchase of rights over land.

PART III
—cont.

(2) Subject to the provisions of this Act, the Board may for the purpose of constructing, maintaining, altering, renewing and using the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works, purchase compulsorily such new rights as they require over any of the land delineated on the deposited plans and described in the deposited book of reference instead of purchasing that land under section 25 (Purchase of land) of this Act.

(3) The Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsection (2) above as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act of 1965 to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) above, in relation to the purchase of new rights under subsection (2) above—

- (a) Part I of the Act of 1965 shall have effect with the modifications specified in Schedule 3 to the (No. 2) Act of 1981 and as if for the references in that schedule to that Act there were substituted references to this Act; and
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Temporary use
of lands and
access at
Birmingham,
Kirkby in
Ashfield and
Smethwick.

27.—(1) In this section—

“the designated lands” means so much of the lands numbered on the deposited plans 3 and 3a in the district of Ashfield, 5 in the parish of Annesley and Felley in that district and 1 in the parish of Newstead, borough of Gedling, as lies within the lines marked “Limit of land to be temporarily used” on the deposited plans and required by the Board in connection with the construction of Work No. 3;

“the Birmingham land” means the land numbered on the deposited plans 30 in the city of Birmingham situated within the line marked “Limit of land required for temporary access” on the deposited plans;

“the Kirkby in Ashfield lands” means so much of the lands numbered on the deposited plans 1 in the district of Ashfield, and 5 and 8 in the parish of Annesley and Felley in that district within the lines marked “Limit of land to be used for temporary access” on the deposited plans;

“the Smethwick land” means the land numbered on the deposited plans 7 in the metropolitan borough of Sandwell situate within the line marked “Limit of land required for temporary access” on the deposited plans;

“the specified lands” means the designated lands, the Birmingham land, the Kirkby in Ashfield lands or the Smethwick land, as the case may be; and

“the specified works” means Works Nos. 1, 1A and 3 and the railway station at Smethwick described in section 6 (Railway stations at Smethwick, The Hawthorns and Vyse Street) of this Act.

(2) The Board, in connection with the specified works and after giving to the owners and occupiers of the specified lands not less than 28 days' previous notice in writing may —

- (a) (i) enter upon and take possession temporarily of the designated lands;
- (ii) construct on the designated lands such temporary works and structures as may be required by the Board;
- (iii) remove any structures and vegetation on the designated lands;
- (b) (i) use the Birmingham land for the purpose of obtaining access from Pitsford Street to any of the land required for Work No. 1;
- (ii) use the Kirkby in Ashfield lands for the purpose of obtaining access from Lane End, Derby Road (A.611) or the continuation of the unnamed road from Annesley Cutting, as the case may be, to the designated lands;
- (iii) use the Smethwick land for the purpose of obtaining access from Roebuck Lane to any of the land required for Work No. 1A and the said railway station at Smethwick.

(3) The Board shall not, by virtue of the exercise of the powers of subsection (2) above, be required to purchase any part of the specified lands.

(4) On the exercise of the powers conferred by subsection (2) above, the following provisions shall have effect: —

- (a) The Board shall not, without the agreement of the owners and occupiers of the specified lands, remain in possession of any part thereof after a period of one year from the completion of the specified works:
- (b) Before giving up possession of the designated lands, the Board shall remove all temporary works or structures and restore those lands to the reasonable satisfaction of the owners and occupiers thereof:
- (c) The Board shall compensate the owners and occupiers of the specified lands for any loss or damage which may result to them by reason of the exercise of the powers of subsection (2) above:
- (d) Nothing in this section shall relieve the Board from liability to compensate under sections 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (c) above:
- (e) Any dispute as to a person's entitlement to compensation under paragraph (c) above or as to the amount thereof shall be determined by the tribunal.

28. The powers of the Board for the compulsory purchase of land and rights over land under this Act shall cease on 31st December 1994.

Time for purchase of land and rights over land.

29. The period now limited by the (No. 2) Act of 1984 for the compulsory purchase of the land referred to in Schedule 3 to this Act is hereby extended until 31st December 1994.

Extension of time.

30.—(1) In this section —

“the enabling Act” means the (No. 2) Act of 1984;

Power to owners and lessees to give notice of purchase of land.

PART III
—cont.

“land” means any land which is for the time being authorised to be purchased compulsorily by the enabling Act; and

“lessee” means a lessee under a lease having a period of not less than 21 years to run at the date of his notice under subsection (2) below.

(2) If any owner or lessee of any land shall give notice in writing to the Board of his desire for the purchase as soon as may be by the Board of his interest in any part of the land specified in the notice, the Board shall within a period of three months after the receipt of such notice—

- (a) enter into a contract with him for the purchase of his interest in the land or such part thereof as may be specified in his notice, or in such part thereof as may be required by the Board; or
- (b) serve on him a notice to treat for the compulsory purchase of his interest in the land specified in his notice, or in such part thereof as may be required by the Board; or
- (c) serve on him notice in writing of the Board’s intention not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under subsection (2) above by any owner or lessee, then—

(a) if the Board—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with subsection (2) (b) above; or

(iii) serve notice on him in compliance with subsection (2) (c) above;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease;

- (b) if his interest in part only of the land so specified is purchased in pursuance of such a notice to treat, the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

Incorporated lands provisions

Incorporation of
lands provisions.

31. The following lands provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

The (No. 2) Act of 1981—

Section 21 (Extinction or suspension of private rights of way);

Section 24 (Correction of errors in deposited plans and book of reference); and

Section 25 (Cellars under streets not referenced);

The (No. 2) Act of 1984—

Section 21 (Purchase of part of certain properties); and

Section 22 (Disregard of recent improvements and interests);

The Act of 1987—

Section 37 (Set-off for enhancement in value of retained land).

PART IV

PROTECTIVE PROVISIONS

32.—(1) The following provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

Incorporation of protective provisions.

The (No. 2) Act of 1981—

Section 32 (Notice of interference with roads); and

Section 33 (Crown rights):

The (No. 2) Act of 1984—

Section 27 (For protection of electricity, gas and water undertakers).

(2) For the purposes of section 27 of the (No. 2) Act of 1984, as incorporated by subsection (1) above—

(a) in paragraph (1) thereof—

(i) in sub-paragraph (a) of the definition of “apparatus” for the words “electric lines or works” there shall be substituted “electric lines or electrical plant” and for the reference to the Electricity (Supply) Acts 1882 to 1936 there shall be substituted a reference to the Electricity Act 1989; and

1989 c. 29.

(ii) sub-paragraph (a) of the definition of “the undertakers” shall be omitted;

(b) for the reference in paragraph (2) thereof to section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated by section 18 (Incorporation of works provisions) of the (No. 2) Act of 1984, there shall be substituted a reference to section 12 (Temporary stoppage of roads, bridleways and footpaths) of the Act of 1987, as incorporated with this Act; and

(c) for the references in paragraph (4) thereof to section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated by the said section 18 of the (No. 2) Act of 1984, there shall be substituted references to section 23 (Use of sewers, etc., for removing water) of this Act.

33.—(1) For the protection of the Bristol Development Corporation (in this section called “the corporation”), unless otherwise agreed in writing between the Board and the corporation, the Board shall not, in the execution of Work No. 4 and the exercise of the powers of section 13 (Maintenance facility at St. Philip’s Marsh) of this Act, acquire any interest in—

For protection of Bristol Development Corporation.

(a) the land numbered on the deposited plans 2 in the city of Bristol, county of Avon; or

(b) any more of the land numbered on the deposited plans 1 in the said city than is necessary to enable the Board to execute that work without preventing the implementation by the corporation of their current highway proposals across the eastern end of that land.

(2) In this section “current highway proposals” means those in existence on 7th February 1990.

PART IV
—cont.
For protection of
National Rivers
Authority.

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

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

“construction” includes execution, placing and altering and, in relation to temporary works, includes removal; and “constructed” shall be construed accordingly;

“new, altered or substituted works” includes any works required for the protection of any watercourse;

“specified work” means so much of the works and of any work (whether temporary or permanent) forming part of, or constructed in connection with, the works as will or may—

- (a) interfere with or affect (either directly or indirectly) a watercourse; or
- (b) be situated over or within 15 metres measured in any direction of any culverted watercourse; or
- (c) (wherever situated) impose any load directly upon any culverted watercourse;

and includes the construction, maintenance or renewal of any such works; and

“watercourse” includes a main river and any other river and any stream, ditch, drain, cut, culvert, dyke, sluice, sewer (other than a public sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of any sewerage undertaker) or passage through which water flows and the banks thereof and any control weir or other similar device:

1936 c. 49.

- (2) (a) No specified work shall be constructed so as to diminish the width between the banks of any watercourse except with the consent in writing of the authority, which consent shall not be unreasonably withheld;
- (b) In the construction of the specified works the Board shall provide, to the reasonable satisfaction of the authority, such culverts and other drainage works as may be reasonably required for land drainage and the protection of watercourses;
- (3) The Board shall not commence any specified work until they shall have given to the authority 56 days’ notice in writing of their intention to commence the same by leaving such notice at the principal office of the authority with plans as described in subsection (8) below (in this section referred to as “the said plans”) and until the authority shall have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and if, within 56 days after the submission of the said plans, the authority have not signified to the Board their approval or disapproval thereof, they shall be deemed to have approved the said plans:

- (4) The Board shall comply with and conform to all reasonable orders, directions and regulations of the authority in the construction of any specified work and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the proper protection of, and for preventing injury or impediment

to, any watercourse by reason of any specified work and shall save harmless the authority against all expenses to be occasioned thereby:

PART IV
—cont.

- (5) (a) The specified works and any new, altered or substituted works shall be constructed only in accordance with such plans as may be approved or be deemed to be approved by the authority as aforesaid or settled by arbitration, subject however to any modification of those plans from time to time agreed upon between the Board and the authority, and be constructed to the reasonable satisfaction of the authority who shall be given reasonable notice of the date and time on and at which any new, altered or substituted works are to be commenced;
- (b) The Board shall indemnify the authority against all costs, charges and expenses which the authority may reasonably incur or have to pay or which they may sustain in the preparation or examination of plans;
- (6) When any new, altered or substituted works or any work of defence connected therewith shall be completed under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any watercourse now or hereafter may be;
- (7) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the authority in relation to any watercourse but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed;
- (8) The plans to be submitted to the authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall as far as reasonably practicable accurately describe the position of all watercourses within the limits of deviation (for which purpose the authority shall allow the Board access to plans in their possession in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any watercourse;
- (9) The authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the watercourses against interference or risk of damage and to provide and secure proper and convenient means of access to any watercourse;
- (10) If, in the construction of any specified work, or any new, altered or substituted works, or any work of defence connected therewith provided in accordance with this section, the Board damage, or, without the consent of the authority, alter or in any way interfere with any watercourse, the Board shall—
 - (a) pay to the authority any additional expense to which the authority may be put in the maintenance, management or renewal of any new, altered or substituted watercourse which may be necessary in consequence of the said construction; and
 - (b) give to the authority full, free and uninterrupted access at all times to any new, altered or substituted watercourse (but under the supervision and control of the Board which shall be provided as soon as possible) and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

PART IV
—cont.

1976 c. 70.

- (11) In the exercise of the powers of section 23 (Use of sewers, etc., for removing water) of this Act, the Board shall not (without prejudice to their obligations under subsection (2) (b) of the said section) damage or interfere with the bed of any watercourse (other than a main river) or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976:
- (12) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time and, if required by the Board, under their supervision to enter upon and inspect any specified work or any other work constructed under the powers of this section:
- (13) The approval by the authority of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:
- (14) As soon as reasonably practicable after the completion of the construction of a specified work, the Board shall deliver to the authority a plan and section showing the position and level of the specified work as constructed and all new, altered or substituted works of the authority provided under this section:
- (15) The Board shall indemnify the authority against all claims, demands, costs, expenses, damages or loss which the authority may incur or have to pay or which they may sustain in consequence of the construction, maintenance or renewal of a specified work or of the failure or want of repair thereof or any subsidence caused by the construction of any specified work or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants, whilst engaged upon the specified work:

Provided that—

(i) the authority shall give to the Board reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement in writing of the Board; and

(ii) nothing in this paragraph shall impose any liability on the Board with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the authority or their servants or agents:

- (16) Any difference arising between the Board and the authority under this section shall be referred to and settled by arbitration.

For protection of
Dŵr Cymru
Cyfyngedig.

35. For the protection of the sewers of Dŵr Cymru Cyfyngedig (hereinafter called “the company”) the following provisions shall, unless otherwise agreed in writing between the Board and the company, apply and have effect:—

- (1) (a) In this section—

“construction” includes execution, placing, renewal and altering and, in relation to temporary works, includes removal; and “constructed” shall be construed accordingly;

“new, altered or substituted works” includes any works required under paragraph (3) below for the protection of any sewer;

“sewer” means any sewer within the definition prescribed by subsections (1) and (4) of section 189 of the Water Act 1989 vested in or maintained by the company other than (except for

1989 c. 15.

the purposes of paragraph (b) below) so much of any sewer in respect of which there exists any agreement between the Board and the company; and

“specified work” means so much of the works and of any work (whether temporary or permanent) forming part of, or constructed in connection with, the works, or any of them, as will or may be situated over or within 15 metres measured in any direction of, or (wherever situated) impose any load directly upon, or remove support from, any sewer;

- (b) Nothing in this Act shall be deemed to prejudice or affect the provisions of any enactment or agreement regulating the relations between the Board and the company in respect of any sewer laid in land belonging to the Board at the date of the passing of this Act:
- (2) The Board shall not commence the construction of any specified work until they shall have given to the company 56 days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the company with plans as described in paragraph (7) below (in this section referred to as “the said plans”) and until the company shall have signified their approval of the said plans:
- Provided that such approval shall not be unreasonably withheld and, if within 56 days after the submission of the said plans the company have not approved or disapproved them, they shall be deemed to have approved the said plans:
- (3) The Board shall comply with and conform to all reasonable orders, directions and regulations of the company in the construction of any specified work and shall provide new, altered or substituted works in such manner as the company shall reasonably require for the proper protection of, and for preventing injury or impediment to, a sewer by reason of any specified work and shall save harmless the company against all expenses to be occasioned thereby:
- (4) All such new, altered or substituted works shall, where so required by the company, be constructed by or under the direction, superintendence and control of an officer of the company duly appointed for the purpose at the cost, charge and expense in all respects of the Board and all reasonable costs, charges and expenses to which the company may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the company by the Board on demand:
- (5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Board under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the company as any sewers or works now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the company in relation to sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:

PART IV
—cont.

- (7) The plans to be submitted to the company for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers within the limits of deviation (for which purpose the company shall allow the Board access to plans in their possession and to any of their sewers in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any sewer:
- (8) The company may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the company against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewers:
- (9) If, in the construction of any specified work, or any new, altered or substituted works, or any work of defence connected therewith provided in accordance with this section, the Board damage, or, without the consent of the company, alter or in any way interfere with any existing sewer, the Board shall —
- (a) pay to the company any additional expense to which the company may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
- (b) give to the company full, free and uninterrupted access at all times to any such new, altered or substituted sewer (but under the supervision and control of the Board which shall be provided as soon as possible) and every reasonable facility for the inspection, maintenance, alteration and repair thereof:
- (10) It shall be lawful for an officer of the company duly appointed for the purpose at any reasonable time and, if required by the Board, under their supervision to enter upon and inspect any specified work or any other works constructed under the powers of this section:
- (11) The approval by the company of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:
- (12) As soon as reasonably practicable after the completion of the construction of a specified work the Board shall deliver to the company a plan and section showing the position and level of that work as constructed and all new, altered or substituted works provided under this section:
- (13) Notwithstanding the temporary stopping up or diversion of any road, bridleway or footpath under the powers of section 12 (Temporary stoppage of roads, bridleways and footpaths) of the Act of 1987, as incorporated with this Act, the company shall be at liberty at all times to execute and do all such works and things in, upon or under any such road, bridleway or footpath as may be reasonably necessary or desirable to enable them to inspect, repair, maintain, renew, remove or use any sewer which at the time of the stopping up or diversion was in that road, bridleway or footpath:

- (14) In the exercise of the powers of section 15 (Underpinning of buildings near works) of the (No. 2) Act of 1981, as incorporated with this Act, the Board shall not, so far as reasonably practicable, obstruct or render less convenient the access to any sewer:
- (15) The Board shall indemnify the company against all claims, demands, costs, expenses, damages or loss which the company may incur or have to pay or which they may sustain in consequence of the construction, maintenance or renewal of a specified work or of the failure or want of repair thereof or any subsidence caused by the construction of any specified work or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants, whilst engaged upon the specified work:
- Provided that —
- (i) the company shall give to the Board reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement in writing of the Board; and
- (ii) nothing in this paragraph shall impose any liability on the Board with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the company or their servants or agents:
- (16) Any difference arising between the Board and the company under this section shall be referred to and settled by arbitration.

PART IV
—cont.

PART V

MISCELLANEOUS AND GENERAL

36.—(1) In this section —

- “the Act of 1844” means the Act 7 & 8 Vict. (1844) intituled “An Act for making a Railway from Chester to Holyhead”;
- “the Act of 1845” means the Act 8 & 9 Vict. (1845) intituled “An Act for completing the Line of the Chester and Holyhead Railway, and for amending the Act relating to the said Railway”;
- “the estate owners” means the trustees and life tenants of the lands forming part of the Cochwillan and Penrhyn estates in the district of Arfon, county of Gwynedd; and
- “the railway” means so much of the railway between Chester and Holyhead in the said district of Arfon as is in any part bordered by the Cochwillan and Penrhyn estates.

Relief from obligations in district of Arfon, Gwynedd.
1844 c. lxxv.
1845 c. xxxiii.

(2) Notwithstanding anything in sections 266 (Empowering Colonel Pennant to plant Slopes of the Railway) and 267 (Company to sow such Slopes as not planted as within mentioned) of the Act of 1844 or in section 16 (Clauses in the recited Act to remain in force so far as now applicable to Colonel Pennant’s estate) of the Act of 1845 —

- (a) the estate owners shall not be required to maintain shrubs on the slopes of the cuttings and embankments of the railway; and
- (b) the Board shall not be required to maintain ground cover on those slopes.
- (3) The said sections 266 and 267 shall cease to have effect.

PART V
—cont.
Planning
permission.
S.I. 1988/1813.

37.—(1) In this section “Part 11 development” means development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).

(2) Subject to subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Part 11 development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

(3) Subsection (2) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

Repeals.

38. The enactments specified in columns (1) and (2) of Schedule 4 to this Act are hereby repealed to the extent mentioned in column (3) of that schedule.

Arbitration.

39. Where under any provision of this Act any difference is to be referred to or settled by arbitration, then such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Costs of Act.

40. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

SCHEDULES

SCHEDULE 1

-Section 7 (1).

ENACTMENTS REFERRED TO IN SECTION 7 (1) OF THIS ACT

Chapter (1)	Short title (2)
9 & 10 Vict. c. cccxv.	Birmingham, Wolverhampton, and Dudley Railway Act 1846.
57 & 58 Vict. c. cxliii.	Great Western Railway (No. 1) Act 1894.
60 & 61 Vict. c. ccxlviii.	Great Western Railway (Additional Powers) Act 1897.
61 & 62 Vict. c. clxxiv.	Great Western Railway (General Powers) Act 1898.
62 & 63 Vict. c. clxxxvii.	Great Western Railway Act 1899.
63 & 64 Vict. c. clx.	Great Western Railway Act 1900.

Section 25 (2).

SCHEDULE 2

LAND REFERRED TO IN SECTION 25 (2) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purpose for which land may be used (3)
In West Midlands— Metropolitan borough of Sandwell—	10 to 47.	To provide the railway station at The Hawthorns described in section 6 (Railway stations at Smethwick, The Hawthorns and Vyse Street) of this Act.
City of Birmingham—	2, 3.	To provide vehicular access from Chapel Street, Handsworth, for constructing Work No. 1 and thereafter for the general purposes of the Board.

SCHEDULE 3

Section 29.

LANDS FOR WHICH PERIOD OF COMPULSORY PURCHASE
IS EXTENDED

The lands authorised to be purchased by section 19 (Purchase of land) or 20 (Purchase of rights over land) of the (No. 2) Act of 1984 for the purpose of Work No. 1 (Railway at Swinton) of that Act.

Section 38.

SCHEDULE 4

REPEALS

PART I

REPEALS IN CONSEQUENCE OF SECTION 7 (3) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
61 & 62 Vict. c. clxxiv.	Great Western Railway (General Powers) Act 1898.	Section 18.
62 & 63 Vict. c. clxxxvii.	Great Western Railway Act 1899.	Section 30.

PART II

REPEAL IN CONSEQUENCE OF SECTION 16 (3) (b) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
10 & 11 Vict. c. cclxxxix.	East Lancashire Railway Act 1847 (Preston Extension).	Section 22.

PART III

REPEAL IN CONSEQUENCE OF SECTION 18 (2) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
1984 c. vii.	British Railways Act 1984.	Subsection (3) (a) of section 9.

PART IV

REPEALS IN CONSEQUENCE OF SECTION 36 (3) OF THIS ACT

Chapter (1)	Title (2)	Extent of repeal (3)
7 & 8 Vict. c. lxxv. (1844)	An Act for making a Railway from Chester to Holyhead.	Sections 266 and 267.

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