



# British Railways Act 1976

## CHAPTER xxv

### ARRANGEMENT OF SECTIONS

#### PART I

##### Section

##### PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of general Acts.
5. Application of Part I of Compulsory Purchase Act 1965.

#### PART II

##### WORKS

6. Power to make works.
7. Further works and powers.
8. As to level crossing at Ryston. ,
9. Incorporation of provisions of Acts of 1963, 1967 and 1968 and (No. 2) Act of 1975 relating to works.

## PART III

## Section

## LANDS

10. Power to acquire lands.
11. Compulsory acquisition of rights over land.
12. Temporary possession of land.
13. Period for compulsory purchase of lands and rights over lands.
14. Incorporation of provisions of Acts of 1963, 1967 and 1969 relating to lands.

## PART IV

## PROTECTIVE PROVISIONS

15. Incorporation of provisions of Acts of 1963 and 1967 and (No. 2) Act of 1975.
16. Crown rights.
17. For protection of National Coal Board.
18. For protection of Post Office.
19. For protection of Northumberland County Council.
20. For protection of Tyne and Wear Passenger Transport Executive.

## PART V

## MISCELLANEOUS

21. Powers of police as to search and arrest.
22. As to bridge over river Taw.
23. Relief from obligation to man level crossing.
24. As to Cambrian Railways Institute, Oswestry.
25. Repeal.
26. Extension of time.
27. Modification of Town and Country Planning Act 1971.
28. Arbitration.
29. Costs of Act.

## SCHEDULES:

Schedule 1—Lands referred to in subsection (2) of section 10 (Power to acquire lands) of this Act.

Schedule 2—Adaptation of Part I of the Compulsory Purchase Act 1965.

Schedule 3—Repeal.

**ELIZABETH II**



**1976 CHAPTER XXV**

An Act to empower the British Railways Board to construct works and to acquire lands; to extend the time for the completion of works; to confer further powers on the Board; and for other purposes.

[6th August 1976]

**W**HEREAS by the Transport Act 1962 the British Railways 1962 c. 46. Board (hereinafter referred to as "the Board") were established:

And whereas it is the duty of the Board under the Transport Act 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:

And whereas it is expedient that the Board should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient that the period now limited for the completion of works should be extended as provided by this Act:

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

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired 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 lands 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 county councils of the several counties within which the said works will be constructed or the said lands are 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:

And whereas 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 1976.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Protective provisions.

Part V.—Miscellaneous.

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

PART I  
—cont.

Interpretation.

- “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845; 1845 c. 20.
- “ the Act of 1863 ” means the Railways Clauses Act 1863; 1863 c. 92.
- “ the Act of 1962 ” means the Transport Act 1962; 1962 c. 46.
- “ the Act of 1963 ” means the British Railways Act 1963; 1963 c. xviii.
- “ the Act of 1967 ” means the British Railways Act 1967; 1967 c. xxx.
- “ the Act of 1968 ” means the British Railways Act 1968; 1968 c. xxxiv.
- “ the Act of 1969 ” means the British Railways Act 1969; 1969 c. xliii.
- “ the (No. 2) Act of 1975 ” means the British Railways (No. 2) Act 1975; 1975 c. xxix.
- “ the Board ” means the British Railways Board;
- “ enactment ” means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878; 1878 c. 76.
- “ the tribunal ” means the Lands Tribunal;
- “ the works ” means the works authorised by Part II (Works) of this Act.

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

(3) 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.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

PART I  
—cont.  
Incorporation  
of general  
Acts.

4. The following Act and Parts of an Act, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

The Act of 1845, except sections 7, 8, 9, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway) except sections 13 to 19 thereof, and Part II (relating to extension of time) of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act, the expression “the company” where used in the said incorporated provisions means the Board and the lines of railway authorised by section 7 (Further works and powers) of this Act shall be deemed to be a railway authorised by the special Act;

(ii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, 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—

(a) by the provisions of Part II of the Public Utilities Street Works Act 1950;

(b) by the provisions of section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act; or

(c) by the provisions of section 45 (For further protection of gas, water and electricity undertakers) of the Act of 1967, as incorporated with this Act;

(iii) the provisions of section 46 of the Act of 1845, as incorporated with this Act, shall have effect subject to the provisions of sections 116 and 117 of the Transport Act 1968 as if any bridge to which the said section 46 applies and which carries a highway were in existence immediately before the appointed day referred to in the said section 116.

1950 c. 39.

1968 c. 73.

Application  
of Part I of  
Compulsory  
Purchase Act  
1965.

1965 c. 56.

5.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4, 24 (5) and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition

of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

PART I  
—cont.  
1946 c. 49.

(2) In section 11 (1) of the Compulsory Purchase Act 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 fourteen days' notice), as so applied, for the words "fourteen days" there shall be substituted the words "three months".

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

## PART II

### WORKS

6. 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, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In the metropolitan county of Tyne and Wear—

In the district of North Tyneside—

Work No. 1 A railway (684 metres in length) commencing by a junction with the Benton south-east curve railway at a point 410 metres north of the junction of the said railway with the Newcastle and Berwick railway and terminating by a junction with the Blyth and Tyne railway at a point 690 metres south-west of the bridge carrying Great Lime Road over that railway: (Railways at Benton)

Work No. 2 A railway (1,425 metres in length), being a deviation of the Blyth and Tyne railway, commencing by a junction with the said railway at a point 640 metres north-east of its junction with the railway between Benton and Berwick and terminating by a junction with the Blyth and Tyne railway at a point 140 metres north-east of the bridge carrying Great Lime Road over that railway:

In the county of Cleveland—

In the district of Langbaourgh—

Work No. 3 A railway (2,828 metres in length), being a deviation of the Darlington to Saltburn railway, commencing by a junction with the said railway at (Railway at Redcar)

PART II  
—cont.

a point 120 metres south of the 20 $\frac{1}{4}$ -mile post on the said railway and terminating by a junction with the said railway at a point 60 metres east of the bridge carrying Kirkleatham Lane over the said railway:

In the county of Northumberland—

In the district of Castle Morpeth—

(Railway at  
Morpeth)

Work No. 4 A railway (1,805 metres in length) commencing by a junction with the Newcastle and Berwick railway at a point 180 metres north-east of the 17 $\frac{1}{4}$ -mile post on the said railway and terminating in the parish of Hepscoth by a junction with the Blyth and Tyne railway at a point 780 metres south-east of the bridge carrying the A.196 road over that railway.

Further works  
and powers.

7.—(1) Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels as shown) the Board may make and maintain the works described in this section with all necessary works and conveniences connected therewith and exercise the powers hereinafter mentioned, that is to say:—

(a) In the county of Durham—

In the parish of Brafferton in the district of Darlington—  
stop up and discontinue so much of the footpath as lies between the points marked “A” and “C” on the deposited plans and substitute therefor a new footpath between the points marked “A”, “B” and “C” thereon:

(b) In the county of Northumberland—

In the district of Castle Morpeth—

stop up and discontinue so much of the road known as Coopies Lane as lies between the points marked “A” and “B” on the deposited plans and provide a new road in substitution therefor between the said points in the position shown on the deposited plans:

(c) In the county of Cambridgeshire—

In the parish of March in the district of Fenland—

make and maintain not more than two lines of railway across and on the level of Hundred Road in the position shown on the deposited plans:

(d) In the metropolitan county of Greater Manchester—

In the district of Bury—

stop up and discontinue so much of the road known as Baron Street which is crossed by the railway



between Radcliffe and Bury stations at the level crossing known as Buckley Wells crossing as lies within the boundaries of their property:

(e) In the metropolitan county of Merseyside—

In the district of Knowsley—

stop up and discontinue so much of the footpath leading from Blacklow Brow to St. Mary's Road as lies between the points marked "Y" and "Z" on the deposited plans:

(f) In the county of Hampshire—

In the parish of East Dean in the district of Test Valley—

stop up and discontinue so much of Frenchmoor Lane which is crossed by the railway between Dean and Dunbridge stations at the level crossing known as East Dean crossing as lies within the boundaries of their property:

(g) In the county of Staffordshire—

In the parish of Uttoxeter Rural in the district of East Staffordshire—

stop up and discontinue so much of the footpath leading from Loxley Lane to the Stafford to Uttoxeter road (A.518) and crossing the railway between Uttoxeter and Blythe Bridge stations by means of a footbridge 181 metres west of the level crossing whereby the said railway crosses Loxley Lane as lies within the boundaries of their property at the said footbridge.

(2) The stopping up under this section of the portion of Baron Street in the district of Bury shall not take place until a footbridge to connect the severed portions of Baron Street has been constructed and opened for public use.

(3) (a) Notwithstanding anything in section 6 of the Act of 1863 or in section 47 of the Act of 1845, as incorporated with this Act, the Board shall not be required to maintain a lodge at the level crossing in the parish of March referred to in this section and the gates at the said level crossing shall be kept constantly closed across the railway instead of across the road except when engines or carriages passing along the railway shall have occasion to cross the road.

(b) The Board may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such requirements as the Secretary of State may from time to time lay down, provide at or near the said level

PART II  
—cont.

crossing and maintain and operate so long as the consent continues in force such lights, traffic signs and automatic or other devices and appliances as may be specified by the Secretary of State.

1839 c. 45.

(c) So long as such consent as aforesaid continues in force the provisions (in so far as they are inconsistent with any such consent) of the Highway (Railway Crossings) Act 1839, of section 47 of the Act of 1845 and of section 6 of the Act of 1863 shall not apply to the said level crossing.

1967 c. 76.

(d) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967:

Provided that nothing in this paragraph shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of any such consent.

(e) In this subsection “ traffic sign ” has the meaning assigned to it by section 54 of the Road Traffic Regulation Act 1967.

(4) The stopping up under this section of the level crossing known as East Dean crossing shall not affect the right of persons on foot to use the same and the Board shall provide and maintain for the convenience of such persons wicket-gates on both sides of the railway at the said level crossing.

As to level  
crossing at  
Ryston.

8.—(1) In this section—

“ the council ” means the Norfolk County Council acting on their own behalf or on behalf of the Secretary of State;

“ the existing crossing ” means the level crossing known as Causeway crossing in the parish of Fordham in the district of West Norfolk whereby the railway crosses the road from Hilgay to West Dereham near the former Ryston station;

“ the new highway ” means the new public road from Brandon Creek to South Runcton (A.10) proposed to be constructed by the Secretary of State;

“ the railway ” means the railway between Downham station and the former Abbey station;

“ traffic sign ” has the meaning assigned to it by section 54 of the Road Traffic Regulation Act 1967.

(2) The council and the Board may enter into and carry into effect agreements for the construction of a level crossing for carrying the railway with not more than two lines of rails across the new highway on the level.

(3) Upon the completion and opening for public use of the level crossing for carrying the railway on the level across the new highway all rights of way over the existing crossing, other than a right for all persons on foot to use the existing crossing, shall be extinguished and the Board shall provide and maintain for the convenience of such persons wicket-gates on both sides of the railway at the existing crossing.

(4) The Board may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such requirements as the Secretary of State may from time to time lay down, provide at or near the level crossing constructed under the powers of this section and maintain and operate so long as the consent continues in force such barriers, lights, traffic signs and automatic or other devices and appliances as may be specified by the Secretary of State.

(5) So long as such consent as aforesaid continues in force, the provisions (in so far as they are inconsistent with any such consent) of the Highway (Railway Crossings) Act 1839, of section 47 of 1839 c. 45. the Act of 1845 and of section 6 of the Act of 1863 shall not apply to the said level crossing.

(6) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967. 1967 c. 76.

(7) The Board may enter into and carry into effect agreements with the council with reference to the defraying or making of contributions towards the cost of constructing, maintaining and renewing the level crossing constructed under the powers of this section and with regard to any other matters relating thereto.

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

9. Subject to the provisions of this Act, the following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 5 (Power to deviate);

Section 7 (Repair of roads where level not permanently altered);

Section 11 (Stopping up roads and footpaths without providing substitute);

Section 12 (Stopping up roads and footpaths in case of diversion or substitution);

Incorporation  
of provisions  
of Acts of  
1963, 1967 and  
1968 and (No.2)  
Act of 1975  
relating to  
works.

PART II  
—cont.

Section 13 (Provision as to repair of roads and footpaths);  
and

Section 14 (Power to make agreements with road  
authorities):

The Act of 1967—

Section 12 (Temporary stoppage of roads and footpaths)  
except subsections (5) and (6) thereof:

The Act of 1968—

Section 11 (Underpinning of houses near works):

The (No. 2) Act of 1975—

Section 9 (Use of sewers, etc., for removing water):

Provided that—

- (i) the exercise by the Board of the powers of the said section 12 of the Act of 1967, as so incorporated, in relation to any road or footpath shall not prejudice or affect the right of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes;
- (ii) the Board shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 11 of the Act of 1968 as not to obstruct or render less convenient the access to any telegraphic line belonging to, or used by, the Post Office.

## PART III

## LANDS

Power to  
acquire lands

**10.**—(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, except the Benton lands and the Backworth land as defined in section 11 (Compulsory acquisition of rights over land) of this Act, as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in column (3) of Schedule 1 to this Act all or any of the lands referred to in columns (1) and (2) of the said schedule.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and under-surface of 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 mentioned

in subsection (1) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

PART III  
—cont.

(4) The Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 6 in the district of Castle Morpeth in the county of Northumberland.

11.—(1) In this section—

“ the Act ” means the Compulsory Purchase Act 1965;

“ the Backworth land ” means the land numbered 33 in the district of North Tyneside in the metropolitan county of Tyne and Wear on the deposited plans;

Compulsory  
acquisition  
of rights over  
land.  
1965 c. 56.

“ the Benton lands ” means the lands numbered 3 to 7 in the district of North Tyneside in the metropolitan county of Tyne and Wear on the deposited plans;

“ new rights ” in relation to any land means easements or other rights over such land which are not in existence at the passing of this Act.

(2) The Board may—

(a) for the purpose of constructing, maintaining, altering, renewing and using the works, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 10 (Power to acquire lands) of this Act instead of acquiring those lands under that section;

(b) for the purpose of constructing, maintaining, altering, renewing and using Works Nos. 1 and 2 or either of them, purchase compulsorily such new rights as they may require over the Benton lands;

(c) for the purpose of carrying out the alterations and improvements to the railway between Benton and Backworth referred to in Schedule 1 to this Act and of providing means of access from and to that railway to and from Old Coast Road, purchase compulsorily such new rights as they may require over the Backworth land.

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

**PART III**  
—*cont.*

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of rights in pursuance of subsection (2) of this section—

- (a) Part I of the Act shall have effect with the modifications specified in Schedule 2 to this Act;
- (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  
possession of  
land.

**12.**—(1) This section applies to the land numbered on the deposited plans 3 in the district of Knowsley in the metropolitan county of Merseyside (hereafter in this section referred to as “the said land”).

(2) The Board may, in connection with the provision of the new railway station in the district of Knowsley referred to in Schedule 1 to this Act, enter upon, and take possession temporarily of, the said land after giving to the owners and occupiers thereof not less than one month’s previous notice in writing, and, for the aforesaid purpose, may remove any structures on the said land and use the said land as a means of access to and from St. Mary’s Road:

Provided that the Board shall not be empowered to purchase compulsorily or be required to purchase the said land.

(3) Before relinquishing possession of the said land the Board shall reinstate the said land to the reasonable satisfaction of the owners thereof.

Period for  
compulsory  
purchase of  
lands and  
rights over  
lands.

**13.** The powers of the Board for the compulsory purchase of the lands and rights over lands which they are authorised by this Act to acquire shall cease on 31st December 1979.

Incorporation  
of provisions  
of Acts of  
1963, 1967  
and 1969  
relating to  
lands.

**14.** The following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference); and

Section 28 (As to cellars under streets not referenced):

The Act of 1967—

Section 15 (Acquisition of part only of certain properties):

The Act of 1969—

Section 12 (Disregard of recent improvements and interests); and

Section 13 (Extinction of private rights of way).

## PART IV

## PROTECTIVE PROVISIONS

15. The following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

Incorporation  
of provisions  
of Acts of  
1963 and 1967  
and (No. 2) Act  
of 1975.

The Act of 1963—

Section 33 (For protection of gas, water and electricity undertakers):

The Act of 1967—

Section 39 (For protection of sewers of Greater London Council);

Section 45 (For further protection of certain gas, water and electricity undertakers):

The (No. 2) Act of 1975—

Section 23 (For protection of Post Office):

Provided that—

- (i) the definition of “undertakers” in paragraph (1) of the said section 33 of the Act of 1963 and in paragraph (1) of the said section 45 of the Act of 1967, as so incorporated, shall be construed as including a water authority as being authorised by an enactment not only to carry on an undertaking for the supply of water within their area but also to exercise within that area their functions as the authority responsible for water conservation and, except in the case of an authority to which section 39 of the Act of 1967 applies, sewerage and sewage disposal and paragraph (b) of the definition of “apparatus” in the said sections 33 and 45 shall be construed accordingly:
- (ii) in the said section 39 of the Act of 1967, as so incorporated, for references to the Greater London Council there shall be substituted references to the Northumbrian Water Authority and for the reference to the Greater London Sewerage System there shall be substituted reference to the sewerage system of the said authority:
- (iii) in the said section 45 of the Act of 1967, as so incorporated—
  - (a) the reference in paragraph (2) thereof to section 11 (Underpinning of houses near works) of the Act of 1967 shall be construed as a reference to section 11 (Underpinning of houses near works) of the Act of 1968, as incorporated with this Act; and
  - (b) for the reference in paragraph (4) thereof to section 17 (Use of sewers, etc., for removing water) of the Act of 1963 as incorporated by section 13 (Incorporation of provisions of Act of 1963 relating

**PART IV**  
—cont.

to works) of the Act of 1967 there shall be substituted a reference to section 9 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1975 as incorporated by section 9 (Incorporation of provisions of Acts of 1963, 1967 and 1968 and (No. 2) Act of 1975 relating to works) of this Act;

- (iv) in the said section 23 of the (No. 2) Act of 1975, as so incorporated, the reference to section 7 (Further works and powers) shall be construed as a reference to paragraph (b) of subsection (1) of section 7 (Further works and powers) of this Act.

Crown rights.

**16.** Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises the Board to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners first had and obtained for that purpose.

For protection  
of National  
Coal Board.

**17.** For the protection of the coal board, the following provisions shall, unless otherwise agreed in writing between the Board and the coal board, apply and have effect:—

- (1) In this section—

“ the coal board ” means the National Coal Board;

“ coal ” has the meaning given to it by section 63(1) of the Coal Industry Nationalisation Act 1946;

“ mine ” has the meaning given to it by section 180(1) of the Mines and Quarries Act 1954.

1946 c. 59.

1954 c. 70.

- (2)(a) Whenever any unworked coal vested in the coal board is encountered in the course of the construction or maintenance of the works the Board shall give notice thereof to the coal board;
- (b) The Board may take and carry away any coal in respect of which they have given such notice and if, within seven days of the giving of such notice, the coal board so require, shall make the coal available to the coal board at a place convenient for the purpose;
- (c) The Board may dispose of any coal which the coal board have not, within the said period of seven days, required to be made available to them, but, except as aforesaid, shall not under the powers conferred by this Act acquire, take, carry away or use any coal vested in the coal board;
- (3) The Board shall discharge all duties and obligations of the coal board under section 151 of the Mines and



Quarries Act 1954, relating to shafts and outlets of mines where such shafts and outlets are in or on land entered upon, taken or used under the powers of this Act or are encountered in the course of the construction or maintenance of the works: PART IV  
—cont.  
1954 c. 70.

- (4) The coal board shall not be liable under the Coal-Mining (Subsidence) Act 1957, or otherwise for any damage to the works caused at any time by the withdrawal of support from land in connection with the working and getting of coal, or of coal and other minerals worked therewith, or the getting of any product from coal in the course of working it, before the passing of this Act. 1957 c. 59.

**18.** For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Board and the Post Office, apply and have effect in relation to Work No. 2 (in this section referred to as “the railway”):— For protection  
of Post Office.

- (1) The railway shall be so worked that any electricity generated or conveyed by, or used in or in connection with, the working of the railway does not cause interference (whether by induction or otherwise) with any telegraphic line belonging to, or used by, the Post Office or with telecommunication by means of any such line:

Provided that this paragraph shall not apply to any telegraphic line placed in or along the railway in pursuance of the powers conferred on the Post Office by section 6 of the Telegraph Act 1878 or to any telegraphic line so placed in or along any railway immediately connected or communicating with the railway: 1878 c. 76.

- (2)(a) If any telegraphic line belonging to, or used by, the Post Office situate within one mile of any part of the railway is injuriously interfered with and the Post Office is of opinion that such injurious interference is or may be due to the construction of the railway or to the working of the same, an engineer of the Post Office appointed by it in that behalf or any person appointed in writing by him for the purpose of this section, may, by arrangement with the engineer of the Board, at any time when electrical energy is being generated or used by, or supplied to, the Board, enter the railway for the purpose of inspecting the Board's plant and the working of the same, and the Board shall, in the presence of the engineer so appointed by the Post Office or the person so appointed by him, make such electrical tests as may reasonably be required by the Post Office;
- (b) If any telegraphic line belonging to, or used by, the Post Office situate within one mile of any part of the railway is injuriously interfered with and the Post Office

**PART IV**  
—cont.

is unable to ascertain whether such injurious interference is caused by the Board or by other persons generating or using electrical currents for traction purposes, the Post Office may, by such notice as may be reasonably required in the circumstances, require the Board to make, at such reasonable times as the Post Office may specify, such reasonable experiments (by working their generating stations, running their carriages or cars, or otherwise working any part of the railway or, in case of continuous working, by stopping the electricity generated for the purposes of the railway at such times as would not interfere with the traffic thereon) as the Post Office may deem necessary to facilitate the discovery of the cause of the interference:

- (3) For the purposes of this section any telegraphic line belonging to, or used by, the Post Office shall be deemed to be injuriously interfered with by an act or work if telecommunication by means of such line is, whether through induction or otherwise, in any manner affected by such act or work or by any use made of such work.

For protection  
of  
Northumber-  
land County  
Council.

**19.** For the protection of the Northumberland County Council (in this section referred to as “the council”) the following provisions shall, unless otherwise agreed in writing between the Board and the council, apply and have effect:—

- (1) In this section—

“the authorised works” means the new bridges, the new road and so much of Work No. 4 as may in any way affect any highway and includes any work in connection therewith;

“highway” means any highway vested in or repairable or maintained by the council;

“the new bridges” means—

(a) the bridge for carrying the new road over Work No. 4; and

(b) the bridge for carrying the A.196 road over Work No. 4;

and in paragraph (9) (b) “the new bridge” means either of the new bridges;

“the new road” means the new road to be provided by the Board between the points marked “A” and “B” on the deposited plans in substitution for that part of Coopies Lane proposed to be stopped up; and references to the width of either of the new bridges or of the new road shall be construed as references to the width thereof between the parapets or fences (as the case may be) measured on the square:

- (2) Notwithstanding anything in this Act the Board shall construct—

PART IV  
—cont.

(a) the new road and the new bridge for carrying the new road over Work No. 4 with a width of 9 metres comprising a carriageway 6 metres in width and verges (or, on that bridge, footways) of 1.50 metres in width on each side of the carriageway;

(b) the new bridge for carrying the A.196 road over Work No. 4 with a width of 14.30 metres comprising a carriageway 7.30 metres in width and footways of 4.25 metres in width on the north side of the carriageway and of 2.75 metres in width on the south side of the carriageway:

- (3) Before commencing the construction of any of the authorised works, the Board shall submit to the council for their reasonable approval plans, sections and particulars relating thereto and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which such plans, sections and particulars relates shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the council as aforesaid, or, if such approval be refused, as may be settled by arbitration, and any part of the construction of the authorised works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the council:

Provided that, if within twenty-eight days after the submission to them of plans, sections and particulars in accordance with the provisions of this paragraph the council do not signify their approval or disapproval thereof and the grounds for such disapproval they shall be deemed to have approved thereof:

- (4) Notwithstanding anything in this Act or shown on the deposited plans the new bridges shall be designed, constructed and maintained so as to provide for a maximum loading to be agreed in advance by the council and the Board shall indemnify the council against and make good to the council all expenses which the council may reasonably incur or be put to in the maintenance or repair of any highway, drains or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:
- (5) (a) Before commencing to construct any part of the authorised works which will involve interference with a highway the Board shall consult the council as to the

**PART IV**  
*—cont.*

time when such part shall be commenced, as to the extent of the surface of the highway which it may be reasonably necessary for the Board to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Board except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Board and the council or, in default of agreement, settled by arbitration:

- (b) Any such highway shall be reinstated by the Board in a manner reasonably approved by the council and to their reasonable satisfaction:
- (6) In the construction of any part of the authorised works over or under any highway no part thereof shall (except with the consent of the council) be so constructed as to interfere with the provision of proper means of drainage of the surface of any highway:
- (7) The Board shall, at all reasonable times during the construction of any part of the authorised works, afford to the surveyor of the council or his duly authorised representatives access to that part of the authorised works for the purposes of inspection:
- (8) The structures of the new bridges, the embankments on which the approaches to the new bridges are constructed and any fencing on either side of those approaches shall be maintained by the Board:
- (9) (a) The new road, the surface of the carriageways of the new bridges, the verges thereof and the surface of any footpaths which may thereafter be constructed by the council upon such verges shall be vested in and maintained by the council who shall have all such rights in relation to the subsoil and under-surface thereof as are necessary for the performance of their functions as the highway authority:

Provided that the council shall not be liable for the maintenance of the new road or the carriageways of the new bridges for a period of twelve months after the date of completion or such further period as under the terms of his contract with the Board the contractor responsible for the construction of the new road or the said carriageways is liable for their maintenance;

- (b) In this paragraph “the date of completion” means the date upon which the new road or, as the case may be,

the new bridge is completed in accordance with the requirements of this section and open for public use, or, in case of a difference between the Board and the council as to whether the said requirements have been complied with, until the matter in dispute has been referred to and determined by arbitration and the arbitrator has certified that the new road or, as the case may be, the new bridge has been completed in accordance with his determination:

- (10) The Board shall make compensation to the council for any subsidence of, or damage to, any highway or any property of the council, or under their control or repairable by them, which may be caused by, or in consequence of, any act or default of the Board, their contractors, servants or agents and whether such subsidence or damage shall happen during the construction of the authorised works or at any time thereafter:
- (11) The Board shall keep the council indemnified against all actions, costs, claims and demands whatsoever brought or made against the council by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the authorised works:
- (12) The Board shall repay to the council in respect of all costs, charges and expenses reasonably incurred by the council for the examination of the plans, sections and particulars submitted to the council under this section in relation to any of the authorised works a fee of one-half of one per centum on the cost of the authorised works concerned:
- (13) Any difference arising between the Board and the council under this section (other than a difference as to the construction thereof) shall be settled by arbitration.

20. The provisions of section 23 (Agreements with British Railways Board) of the Tyneside Metropolitan Railway Act 1973 and anything done under that section shall have effect in relation to Work No. 2, and any alteration or improvement of the railway between Benton and Backworth in pursuance of the powers of this Act, in the same manner as if that work and those alterations or improvements formed part of the existing railways referred to in the said section 23.

For protection of Tyne and Wear Passenger Transport Executive.  
1973 c. xxxii.

#### PART V MISCELLANEOUS

21. In its application to the Board and British Transport Hotels Limited pursuant to the provisions of Part III of Schedule 2

Powers of police as to search and arrest.

PART IV  
—cont.

PART V  
—cont.  
1949 c. xxix.  
1975 c. i.

to the Act of 1962, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949 in relation only to subsection (1) of that section, as amended by section 24 (Powers of police as to search and arrest) of the British Railways Act 1975, shall have effect as if the words “first day of January one thousand nine hundred and seventy-nine” were substituted for the words “first day of January one thousand nine hundred and seventy-seven”.

As to bridge  
over river  
Taw.

22.—(1) In this section—

“the bridge” means the bridge of the Board formerly carrying the Barnstaple loop railway over the river Taw situate in the parish of Barnstaple in the district of North Devon in the county of Devon and includes all works connected therewith belonging to or maintainable by the Board;

“the corporation” means the British Gas Corporation;

“the council” means the Devon County Council; and

“the main” means the existing gas main of the Corporation laid adjacent to the easterly abutments of the bridge and having an external diameter of 200 millimetres.

(2) The Board and the council may enter into and carry into effect agreements with respect to the maintenance of the bridge or any part thereof, or for the transfer to and vesting in the council of the bridge or any part thereof, on such terms as may be agreed between the Board and the council, and any such agreement may provide for the transfer to the council of all or any of the powers and obligations of the Board in respect of the bridge or any part thereof so transferred and vested as aforesaid.

(3) (a) On and after the date on which the bridge or any part thereof is transferred to and vested in the council by virtue of an agreement under subsection (2) of this section the corporation may exercise the same rights of access to the main and the same rights to inspect, repair, maintain, renew, remove and use the main as they enjoyed immediately before that date.

(b) In exercising their rights the corporation shall be under the same obligations as to the meeting of expenses and otherwise as if the bridge had remained the property of the Board and as if any works (of whatsoever nature) carried out by the council and affecting the bridge had been carried out by the Board and the deed of grant dated 23rd August 1971 and made between the Board and the corporation shall have effect accordingly with references therein to “the Engineer” and “the Board” being construed as reference to the council.

Relief from  
obligation  
to man level  
crossing.

23.—(1) In this section—

“the level crossing” means the level crossing in the parish of Streethay in the district of Lichfield in the county of

Staffordshire known as Hollands level crossing (otherwise known as Streethay level crossing) whereby the road leading from the A.5127 principal road to Hill Farm is crossed by the railway between Lichfield City and Burton-on-Trent stations;

PART V  
—cont.

“obligation” means any obligation of the Board under any deed, conveyance, covenant, agreement or other instrument to employ proper persons to open and shut the gates of the level crossing, to cause such gates to be opened and shut or otherwise to treat the level crossing in any respect as if it were a level crossing over a public carriage road.

(2) As from the passing of this Act the Board shall be relieved from any obligation in respect of the level crossing.

(3) Any person who but for this section would have been entitled to institute or continue any action or other proceeding against the Board for the purpose of enforcing any obligation shall be entitled to be paid by the Board compensation in respect of any land or interest in land which has been injuriously affected by the relief of the Board under this section from any obligation and any dispute arising in relation to the compensation shall be referred to and determined by the tribunal.

24.—(1) In this section—

“the Act of 1933” means the Great Western Railway Act 1933;

“the trust deed” means the indenture dated 12th May 1909, a copy of which is set forth in the Second Schedule to the Act of 1933; and

“the trust premises” means and includes the land with the buildings erected thereon known as the Cambrian Railways Institute, Oswestry, and situate in the district of Oswestry in the county of Salop and generally all property, real or personal, subject to the provisions of the trust deed.

As to  
Cambrian  
Railways  
Institute,  
Oswestry.  
1933 c. xx.

(2) The Board are hereby discharged from the obligation imposed upon them (as successors to the Great Western Railway Company) under the trust deed and the Act of 1933 to apply the net proceeds of sale of the trust premises wholly or in part in the purchase or acquisition of other premises to be held by them upon the trusts declared in the trust deed (as modified by section 40 of the Act of 1933) and, as from the passing of this Act, any covenant, restrictive or otherwise, contained in the trust deed shall cease to apply to the trust premises.

PART V  
—cont.

(3) The Board shall hold the net proceeds of any sale of the trust premises (after deducting therefrom all reasonable costs, charges and disbursements incurred in connection with the sale) upon trust to distribute the same amongst such charities or philanthropic bodies and in such proportions as may be decided by the Board in their absolute discretion.

(4) After the Board have distributed the net proceeds of sale of the whole of the trust premises, they shall be discharged from all trusts relating to the trust premises.

## Repeal.

**25.** The enactment specified in Schedule 3 to this Act is hereby repealed to the extent mentioned in the third column of that schedule.

Extension of  
time.

1970 c. lxxv.  
1958 c. xlv.

**26.** The period now limited by the British Railways Act 1970 for the completion of Work No. 5 authorised by section 5 (Power to make works) of the British Transport Commission Act 1958 is hereby extended until 31st December 1982.

Modification of  
Town and  
Country  
Planning Act  
1971.

1971 c. 78.

**27.—(1)** In their application to development authorised by this Act, Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to development begun within ten years after the passing of this Act.

(2) In this section the reference to Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

## Arbitration.

1965 c. 56.

**28.** Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

## Costs of Act.

**29.** 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 10.

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 10  
(POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the metropolitan county of Merseyside— District of Knowsley	1, 2	To provide a new railway station.
In the metropolitan county of Tyne and Wear— District of North Tyneside	16 to 19, 24 to 41	To carry out alterations and improvements to the railway between Benton and Backworth.
	20 to 23	To provide a new railway station.
In the metropolitan county of West Midlands— Parish of Bickenhill in the district of Solihull	1, 2	To extend Marston Green railway station.
In the county of Cambridgeshire— Parish of Helpston in the district of Peterborough	1 to 4	To carry out alterations and improvements to the railway between Grantham and Peterborough.
In the county of Cleveland— District of Stockton-on- Tees	1	To strengthen the embankment carrying the railway between Yarm and Stockton station.
In the county of Durham— Parish of Great Aycliffe in the district of Sedgfield	1 to 4	To carry out alterations and improvements to the railway between Darlington and Durham.
Parish of Brafferton in the district of Darlington	1 to 5	To carry out alterations and improvements to the railway between Darlington and Durham.
In the county of Northumberland— Parish of Acklington in the district of Alnwick	1 to 3	To carry out alterations and improvements to the railway between Newcastle and Alnmouth.

SCH. 1  
—cont.

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the county of Northumberland (continued)—		
Parish of Warkworth in the district of Alnwick	1 to 6	To carry out alterations and improvements to the railway between Newcastle and Alnmouth and to provide a means of access from and to the railway to and from Warkworth Moor Road.
Parish of Kylee in the district of Berwick-Upon- Tweed	1 to 5	To carry out alterations and improvements to the railway between Newcastle and Berwick and to provide a means of access from and to the railway to and from the road from Fenham to Fen- hamhill at the point marked "X" on the deposited plans and a means of access to and from the said road from and to the adjoining lands on the north side thereof at the point marked "Y" on the deposited plans in substitution for the existing access from and to those lands to and from the said road.
In the county of Nottinghamshire— District of Newark		
	1	To carry out alterations and improvements to the railway between Retford and Newark.

## SCHEDULE 2

Section 11.

ADAPTATION OF PART I OF THE COMPULSORY  
PURCHASE ACT 1965

1965 c. 56.

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

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

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

SCH. 2  
—cont.

1973 c. 26.

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

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

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

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

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

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

the British Railways Act 1976 shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the British Railways Act 1976 is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

(3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section, the British Railways Act 1976 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the Board may, at any time within the period of six weeks beginning with the

SCH. 2  
—cont.

date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the Board to withdraw the notice.

1973 c. 26.

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

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

section 9 (4) (failure of owners to convey);

paragraph 10 (3) of Schedule 1 (owners under incapacity);

paragraph 2 (3) of Schedule 2 (absent and untraced owners); and

paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);

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

4. Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the Board have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.

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

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

SCHEDULE 3

Section 25.

REPEAL

Chapter	Short title	Extent of repeal
1878 c. lxxi	Newhaven Harbour Improvement Act 1878	Paragraph (2) of section 7 (Company to purchase existing harbour).

—  —  
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