



# London Docklands Railway Act 1991

## 1991 CHAPTER xxiii

An Act to empower London Regional Transport to construct works and to acquire lands; to confer further powers on London Regional Transport; and for other purposes. [19th December 1991]

Whereas—

- (1) By the London Regional Transport Act 1984 the London Transport Executive which were established by the Transport (London) Act 1969 were reconstituted on 29th June 1984 under the name of London Regional Transport (in this Act referred to as “the Corporation”):
- (2) It is the general duty of the Corporation under the said Act of 1984, in accordance with principles from time to time approved by the Secretary of State and in conjunction with the British Railways Board, to provide or secure the provision of public passenger transport services for Greater London, and in carrying out that duty the Corporation shall have due regard to (a) the transport needs for the time being of Greater London and (b) efficiency, economy and safety of operation:
- (3) Under the Local Government, Planning and Land Act 1980 the London Docklands Development Corporation was established by the London Docklands Development Corporation (Area and Constitution) Order 1980 as the urban development corporation for London docklands for the purpose of securing the regeneration of its area and it is the view of the said corporation that the works authorised by this Act will advance the securing of such regeneration:
- (4) For the purposes of improving the operational efficiency of the Docklands Railway and for the purposes aforesaid, it is expedient that the Corporation should be empowered to construct the works authorised by, and to acquire the lands referred to in, this Act:
- (5) It is expedient that the other powers in this Act contained should be conferred upon the Corporation and that the other provisions in this Act contained should be enacted:
- (6) A plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan containing the

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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 officer of the London borough council of Tower Hamlets, which plan, sections and book of reference are respectively referred to in this Act as the deposited plan, 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

#### 1 Short title

This Act may be cited as the London Docklands Railway Act 1991.

#### 2 Interpretation

(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—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845;

“the Act of 1863” means the Railways Clauses Act 1863;

“the Act of 1963” means the London Transport Act 1963;

“the Act of 1964” means the London Transport Act 1964;

“the Act of 1965” means the London Transport Act 1965;

“the Act of 1966” means the London Transport Act 1966;

“the Act of 1969” means the London Transport Act 1969;

“the Act of 1976” means the London Transport Act 1976;

“the Act of 1981” means the London Transport Act 1981;

“the Act of 1984” means the London Docklands Railway Act 1984;

“the Act of 1985” means the London Docklands Railway Act 1985;

“Canary Wharf station” means the station being constructed at Canary Wharf, Isle of Dogs;

“the Corporation” means London Regional Transport;

“the development corporation” means the London Docklands Development Corporation;

“the Docklands Railway” means the railway authorised by the Acts of 1984 and 1985;

“the limit of deviation” means the limit of deviation shown on the deposited plans;

“public telecommunications operator” has the same meaning as in section 9 (3) of the Telecommunications Act 1984;

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“the tribunal” means the Lands Tribunal; and

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

- (2) Any reference to the London Transport Board or the London Transport Executive in any of the provisions incorporated with this Act by section 8 (Incorporation of works provisions), section 12 (Incorporation of lands provisions) and section 13 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Corporation.
- (3) All distances, lengths and directions stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length and direction, 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.

### **3 Incorporation of general enactments**

- (1) The following enactments, 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:—
  - (a) the Lands Clauses Acts, except sections 127 to 132 of the Lands Clauses Consolidation Act 1845;
  - (b) the Act of 1845, except sections 1, 7 to 9, 11 to 15, 17, 19, 20, 22, 23, 94 and 95 thereof; and
  - (c) in the Act of 1863, Part I (relating to construction of a railway), except sections 13, 14, 18 and 19 thereof.
- (2) 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 Corporation.
- (3) Sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Corporation and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—
  - (a) Part II of the Public Utilities Street Works Act 1950 or Part III of the New Roads and Street Works Act 1991; or
  - (b) section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

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## PART II

### WORKS

#### 4 Power to make works

The Corporation may, in the lines or situations shown on the deposited plan 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 London borough of Tower Hamlets—

Work No. 1A A railway (246 metres in length) and a widening on the western side of the existing viaduct at North Quay, commencing by a junction with the Docklands Railway at a point 180 metres south-west of the junction of Dolphin Lane with Poplar High Street and terminating north of Canary Wharf station by a junction with that railway at a point 397 metres south-west of that road junction;

Work No. 1B A railway (220 metres in length) and a widening on the eastern side of the existing viaduct at North Quay, commencing by a junction with the Docklands Railway at a point 184 metres south of the junction of Dolphin Lane with Poplar High Street and terminating north of Canary Wharf station by a junction with that railway at a point 397 metres south of that road junction.

#### 5 Power to deviate

In the execution of either of the works shown on the deposited plan, the Corporation may deviate from the lines or situations thereof shown on the deposited plan to the extent of the limit of deviation and may deviate to such extent upwards or downwards as may be found necessary or convenient.

#### 6 Plans, etc., to be approved by Secretary of State

The Corporation shall in connection with the works from time to time submit for the approval of the Secretary of State plans, sections and other details of their proposals with respect to permanent way, viaducts, signalling and the power required for traction, with particular reference to the use of overhead contact wires or conductor rail systems, and any work included in the said proposals shall be constructed and maintained only in accordance with plans, sections and other details as approved by the Secretary of State.

#### 7 Use of sewers, etc., for removing water

- (1) The Corporation may use for the discharge of any water pumped or found by them during the construction of the works any sewer or drain of a relevant authority in whose area the works may be constructed and for that purpose may lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such sewer or drain within the limits of deviation but—

- (a) the Corporation 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

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- (b) the Corporation 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.
- (2) (a) Section 85 of the Water Resources Act 1991 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 104 of that Act as if this section were not a local statutory provision for the purposes of section 88 (1) (f) of that Act.
- (b) In the exercise of their powers under this section the Corporation 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 113 of the Water Resources Act 1991.
- (3) The Corporation shall take all such steps as may reasonably be required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension.
- (4) Any difference arising between the Corporation and a relevant authority under this section shall be referred to and settled by arbitration.
- (5) In this section “relevant authority” means Thames Water Utilities Limited, the National Rivers Authority or Tower Hamlets London borough council.

## **8 Incorporation of works provisions**

- (1) The following provisions of the undermentioned Acts are, with the necessary modifications, incorporated with this Act:—
  - The Act of 1963—
    - section 10 (Provisions as to use of electrical power); and
    - section 15 (Power to make trial holes):
  - The Act of 1965—
    - section 10 (Underpinning of houses near works), except the provisos to paragraphs (4) and (6) thereof.
- (2) For the purposes of this Act references in the said section 10 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to the works and the said section shall have effect as if, after the reference to “insulated return” and “insulated returns” in paragraphs (5) and (7) thereof respectively, there were added “or uninsulated metallic returns of low resistance”.
- (3) The Corporation shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 10 of the Act of 1965, as so incorporated, as not to prevent any public telecommunications operator from having access to any telecommunications apparatus (as defined in paragraph 1 of Schedule 2 to the Telecommunications Act 1984) kept installed for the purposes of that system.

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## PART III

### LANDS

#### 9 Power to acquire lands

- (1) The Corporation may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.
- (2) The Corporation 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 plan and described in the deposited book of reference as shall be necessary for the purposes mentioned in subsection (1) above without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

#### 10 Set-off for enhancement in value of retained land

- (1) In this section “relevant land” means any land or any interest in or over land acquired by the Corporation for the purposes of the works.
- (2) In assessing the compensation payable to any person on the acquisition by the Corporation from him of any relevant land, the Lands Tribunal shall—
  - (a) have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by the works; and
  - (b) set off against the value of the relevant land any increase in the value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of the works.
- (3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

#### 11 Period for compulsory purchase of lands

The powers of the Corporation for the compulsory purchase of land under this Act shall cease at the end of the period of 5 years commencing on the date of the passing of this Act.

#### 12 Incorporation of lands provisions

- (1) The following provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—
  - The Act of 1963—
    - section 21 (Powers to enter for survey or valuation):
  - The Act of 1964—
    - section 12 (Acquisition of part only of certain properties); and
    - section 14 (Extinction of private rights of way):
  - The Act of 1965—
    - section 13 (Correction of errors in deposited plans and book of reference):
  - The Act of 1966—

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section 14 (Power to expedite entry):

The Act of 1969—

section 14 (Disregard of recent improvements and interests).

- (2) The provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”.

## PART IV

### PROTECTIVE PROVISIONS

#### 13 Incorporation of protective provisions

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

The Act of 1963—

section 42 (For protection of gas, water and electricity undertakers):

The Act of 1976—

section 13 (For protection of sewers of Thames Water Authority):

The Act of 1981—

section 17 (For protection of British Telecommunications).

- (2) The provisions of paragraph (1) of the said section 42 of the Act of 1963, as so incorporated, shall have effect as if—

- (a) for the definition of the “undertakers” there were substituted the following:—

““the undertakers” means any person authorised to carry on, in the area within which the Corporation are by this Act authorised to purchase land or execute works, an undertaking for the supply of gas or water or for the generation, transmission or supply of electricity;”  
and

- (b) in the definition of “apparatus”—

- (i) in sub-paragraph (a) thereof for the words “electric lines or works” there were substituted “electric lines or electrical plant” and for the reference to the Electricity (Supply) Acts 1881 to 1936 there were substituted a reference to the Electricity Act 1989; and

- (ii) in the words in parenthesis after the reference to the Public Utilities Street Works Act 1950 there were inserted “or Part III of the New Roads and Street Works Act 1991”.

- (3) The provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

- (a) for reference to the Thames Water Authority there were substituted reference to Thames Water Utilities Limited;

- (b) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 8 (Incorporation of works provisions) of this Act; and

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- (c) in the definition of “the specified works” in paragraph (1) thereof, for the reference to the works authorised by the Act of 1976 there were substituted a reference to the works.
- (4) The provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if—
  - (a) paragraph (2) of that section were omitted;
  - (b) for reference to Work No. 2 of the Act of 1981 there were substituted reference to the works; and
  - (c) for reference to British Telecommunications there were substituted a reference to a public telecommunications operator.

#### **14 For protection of National Rivers Authority**

For the protection of the National Rivers Authority (hereinafter referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Corporation and the authority, have effect—

- (1) in this section unless the context otherwise requires—
  - “flood defence work” means any watercourse as defined in the Land Drainage Act 1991, and any structure or appliance under the control of the authority, constructed or used for defence against water (including sea water), details of which shall be specified to the Corporation prior to commencement of the works authorised by this Act, and including in particular but without prejudice to the generality of the foregoing the West India Dock;
  - “plans” includes sections, drawings and specifications; and
  - “specified work” means so much of any work authorised by this Act as will affect any flood defence work or the flow of water in, to or from any such flood defence work;
- (2) Not less than two months before beginning to construct any specified work, the Corporation shall submit to the authority plans of the work and the work shall not be constructed except in accordance with plans approved by the authority, such approval not to be unreasonably withheld, or settled by arbitration and in accordance with any reasonable requirements made by the authority for the protection of any flood defence work and for the prevention of flooding;
- (3) The requirements which the authority may make under paragraph (2) above include conditions requiring the construction of such protective works by, and at the expense of, the Corporation during the construction of the specified work as are reasonably necessary to safeguard a flood defence work against damage or to secure that the efficiency of a flood defence work for flood defence purposes is not impaired;
- (4) If within a period of two months after the submission of any plans under paragraph (2) above, the authority do not inform the Corporation in writing that they disapprove of those plans, stating the grounds of their disapproval, they shall be treated for the purposes of that paragraph as having approved them;
- (5) Any specified work, and all protective works required by the authority under paragraph (2) above, shall be constructed to the reasonable satisfaction of the authority and the authority shall be entitled by their officer to watch and inspect the construction of such works;



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- (6) If by reason of the construction of any specified work the efficiency of any flood defence work for flood defence purposes is impaired or that work is otherwise damaged, such damage shall be made good by the Corporation to the reasonable satisfaction of the authority and, if the Corporation fail to do so, the authority may make good the same and recover from the Corporation the expense reasonably incurred by them in so doing:
- (7) The Corporation shall indemnify the authority from all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from or incurred by, the authority by reason or in consequence of—
- (a) any damage to any flood defence work so as to impair its efficiency for the purposes of flood defence; or
  - (b) any raising of the water table in lands adjoining the works authorised by this Act or any sewers, drains or watercourses; or
  - (c) any flooding or increased flooding of any such lands;
- which may be caused by or result from the construction of any work authorised by this Act or any act or omission of the Corporation, their contractors, agents, workmen or servants whilst engaged upon the work:
- (8) (a) The authority shall give to the Corporation reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the agreement of the Corporation such agreement not to be unreasonably withheld or delayed;
- (b) Any sum payable to the authority under paragraph (7) above shall be paid by the Corporation within one month of notice being given in writing to the Corporation by the authority that the expenditure in respect of which the payment is due has been incurred by the authority:
- (9) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Corporation from any liability under the provisions of this section:
- (10) Nothing in this Act shall affect any rights or powers vested or to be vested in the authority but all such rights and powers shall be as valid and effectual as if this Act had not been passed:
- (11) Any difference arising between the Corporation and the authority under this section shall be referred to and settled by arbitration.

## **15 Transfer of rights and obligations**

- (1) In this section “railway land” means any land which may be acquired by the Corporation from the British Railways Board for the purposes of this Act.
- (2) All rights and obligations of the said board relating to railway land, whether statutory or otherwise, shall be transferred to the Corporation to the exclusion of that board by virtue of this Act on the date upon which the Corporation enter upon railway land.

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## PART V

### MISCELLANEOUS

#### 16 Additional fares

For the purpose of section 22 (Additional fares) of the Act of 1985 as it applies to the railway authorised by that Act, the works shall be deemed to be part of that railway.

#### 17 Power to enter into agreements with London Docklands Development Corporation

- (1) For the purposes of enabling the works to be constructed, maintained and operated the Corporation may enter into such agreements with the development corporation as the parties think fit and, without prejudice to the generality of the foregoing, such agreements may provide—
  - (a) for the use of the land of the development corporation for the purposes of constructing, maintaining and using the works and for the purchase or leasing of any such lands or the grant of easements and rights therein or thereover for such purposes; and
  - (b) for the development corporation to contribute to or pay all the expenditure incurred or to be incurred by the Corporation in carrying out, maintaining and operating the works (including the acquisition of land), but no contribution or payment shall be made by the development corporation under any such agreement without the consent of the Secretary of State with the concurrence of the Treasury, as required by subsection (5) of section 136 of the Local Government, Planning and Land Act 1980.
- (2) No agreement under subsection (1) above shall enable the development corporation to dispose of any land (including any interest in or right over land) by way of gift, mortgage or charge.

#### 18 Planning permission

- (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 the provisions of 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 authorised by this Act or the substitution of new works therefor.

#### 19 Arbitration

Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, as applied by this Act, apply) is to be referred to and settled

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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.

## **20 Costs of Act**

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