



# Heathrow Express Railway Act 1991

## 1991 CHAPTER vii

### PART II

#### WORKS, ETC.

#### 5 Power to Company to make works

The Company 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 London borough of Hillingdon—

Work No. 1A A railway (500 metres in length in tunnel) commencing by a junction with Works Nos. 8A and 8B at their termination beneath a point 340 metres south-south-east of the junction of Lavender Rise with Stockley Road, and terminating beneath a point 125 metres east of the junction of Shepiston Lane with Cherry Lane Roundabout;

Work No. 2A A railway (120 metres in length in tunnel) commencing by a junction with Work No. 1A at its termination and terminating beneath a point 180 metres north-east of the centre of the circulatory system comprised in Junction 4 of the M4 motorway;

Work No. 3A A railway (1,773 metres in length in tunnel) commencing by a junction with Work No. 2A at its termination and terminating beneath a point 95 metres east of the junction of Sipson Road with Bath Road;

Work No. 4 A railway (1,685 metres in length in tunnel) commencing by a junction with Work No. 3A at its termination and terminating beneath a point 56 metres south-west of the south-west face of the Heathrow Airport Terminal 3 Departures Building;

Work No. 4A A draught relief shaft (62 metres in length) commencing by a junction with Work No. 4 beneath a point 96 metres south-east of the junction of Chard Road with the Inner Ring East road and terminating at a point 45 metres south-east of that junction:

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In the London boroughs of Hillingdon and Hounslow and in the borough of Spelthorne, county of Surrey—

Work No. 5 A railway (2,677 metres in length in tunnel) commencing by a junction with Work No. 4 at its termination passing through the borough of Spelthorne and the London borough of Hounslow and terminating beneath a point in the London borough of Hillingdon 75 metres north-east of the north-western end of Swindon Road.

## **6 Power to Board to make works**

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 London borough of Hillingdon—

Work No. 6A A railway (2,095 metres in length), being a deviation of the relief lines of the railway between Paddington and Reading (“the existing railway”), commencing by a junction with those lines at a point 14 metres west of the bridge carrying Station Road, Hayes, over the existing railway and terminating by a junction with those lines 17 metres west of the bridge carrying Stockley Road over that railway;

Work No. 6B A railway (2,098 metres in length), being a deviation of the main lines of the existing railway, commencing by a junction with those lines at a point 7 metres west of the bridge carrying Station Road, Hayes, over the existing railway and terminating by a junction with those lines at a point 18 metres west of the bridge carrying Stockley Road over that railway;

Work No. 7A A railway (1,715 metres in length) commencing by a junction with the existing railway at the commencement of Work No. 6B and terminating at a point 350 metres south-east of the bridge carrying Stockley Road over the existing railway, including a bridge over the main lines of the existing railway;

Work No. 7B A railway (1,685 metres in length) commencing by a junction with the existing railway at the commencement of Work No. 6B and terminating at a point 378 metres south-east of the said bridge carrying Stockley Road over the existing railway;

Work No. 8A A railway (531 metres in length and partly in tunnel) commencing by a junction with Work No. 7A at its termination and terminating by a junction with Work No. 1A at its commencement beneath a point 340 metres south-south-east of the junction of Lavender Rise with Stockley Road;

Work No. 8B A railway (549 metres in length and partly in tunnel) commencing by a junction with Work No. 7B at its termination and terminating by a junction with Work No. 1A at its commencement at the termination of Work No. 8A;

Work No. 9 A reconstruction of the bridge (Bournes Bridge) carrying Dawley Road over the existing railway;

In the London borough of Ealing—

Work No. 10 A raising of the bridge carrying Hanger Lane over the existing railway and over the Central line railway of London Underground Limited between North Action and Ealing Broadway;

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In the Royal borough of Kensington and Chelsea—

Work No. 11 A raising of the bridge carrying Ladbroke Grove over the existing railway;

Work No. 12 A raising of the bridge carrying Golborne Road over the existing railway:

In the city of Westminster—

Work No. 13 A raising of the bridge carrying Great Western Road over the existing railway and over the railway of London Underground Limited between Paddington and Hammersmith, including a raising of the Westbourne Park Station buildings forming part of that bridge.

## **7 Provision of railway stations by Company**

If the Company proceed with the construction of Works Nos. 4 and 5, or either of them, they may under any part of the lands numbered on the deposited plans—

- (a) 133, 135 to 140, 143 to 149 and 150A in the London borough of Hillingdon;
- (b) 158 to 163 in the London borough of Hillingdon and 10 to 15 in the borough of Spelthorne;

make, maintain and operate railway stations with all necessary works and conveniences connected therewith.

## **8 Further works and powers of Board**

- (1) Subject to the provisions of this Act (and in the lines or situations shown on the deposited plans, and according to the levels shown on the deposited sections) the Board may make and maintain the following further works, with all necessary works and conveniences connected therewith, and may exercise the following powers:—

In the London borough of Hillingdon—

- (a) Stop up and discontinue so much of the private road leading from Stockley Road to Hayes Public Record Office as lies between points B1 and B2 and substitute therefor a new road between points B1, B3 and B2 over Works Nos. 8A and 8B; and
- (b) Raise so much of the footpath between Stockley Road and Bourne Avenue as lies between points C1 and C2 over Work No. 1A.

- (2) The Board may, within the limits of deviation of Works Nos. 10 to 13, make junctions with and alter the line or level of any street or way interfered with by, or contiguous to, all or any of those works and alter and interfere with any steps, walls, gateways, railings, passages, pavements, pipes, wires and cables and execute any works for the protection of any adjoining land and building.
- (3) The Board shall erect a good and sufficient fence on each side of the raised bridges comprised in Works Nos. 10 to 13.

## **9 Gradients of certain bridge works**

Notwithstanding anything in the Act of 1845 the Board may construct Works Nos. 11 and 12 with the greatest inclinations shown on the deposited sections.

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## 10 Power to deviate

In the execution of the Company's works or the Board's works (as the case may be) or any part thereof, the appropriate authority may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or, in the case of Works Nos. 4 and 5, not exceeding 6 metres upwards, and in any case to such extent downwards as may be found necessary or convenient.

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

The Company shall as regards the underground railways from time to time submit for the approval of the Secretary of State plans, sections and other details of their proposals with respect to—

- (a) permanent-way, tunnels, platforms, stairs, lifts, escalators and other communications;
- (b) rolling stock;
- (c) lighting;
- (d) signalling; and
- (e) ventilation;

and any rolling stock and 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.

## 12 Stopping up roads, etc., in case of diversion or substitution

(1) Where this Act authorises—

- (a) the diversion of an existing road or footpath; or
- (b) the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof;

the stopping up of the existing road or footpath shall not in any case take place until the highway authority are satisfied that the new road or footpath has been completed in accordance with their reasonable requirements and is open for public use or, in the case of any difference between the appropriate authority and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been referred to and determined by arbitration.

(2) Before referring a matter to arbitration under this section, the appropriate authority shall give to the highway authority seven days' notice in writing of their intention to do so.

(3) As from the completion to the satisfaction of the highway authority of the new road or footpath, or as from the date of the determination by arbitration of any difference under subsection (1) above, as the case may be, all rights of way over or along the existing road or footpath or portion thereof authorised to be diverted or stopped up shall be extinguished.

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

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### **13 Appropriating sites of roads, etc**

After a road or footpath or portion thereof is diverted or stopped up under section 12 (Stopping up roads, etc., in case of diversion or substitution) of this Act, the appropriate authority may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway as far as the said road or footpath or portion thereof is bounded on both sides by lands of the appropriate authority appropriate without making any payment therefor and use for the purposes of their undertaking the site thereof.

### **14 Repair of roads, etc**

Any road or footpath or portion thereof made, diverted or altered under this Act (except the structure carrying any such road or footpath over any railway of the appropriate authority which structure shall, unless otherwise agreed, be maintained by and at the expense of the appropriate authority) shall when completed, unless otherwise agreed, be maintained by and at the expense of the highway authority.

### **15 Agreements with highway authorities**

- (1) When a road or footpath or portion thereof will be altered or stopped up or interfered with under this Act, the appropriate authority may enter into and carry into effect agreements with the highway authority in reference to the construction or contribution towards the costs of such alteration or of any new road or footpath to be made under this Act and in reference to any other matters relating thereto.
- (2) The appropriate authority may by agreement delegate to the highway authority the power of constructing and maintaining all or any of such alterations or new road or footpath in which they may be interested including the structure of any bridge over or under any railway.
- (3) The purposes of this section shall be deemed to be purposes for which a highway authority may incur expenditure and borrow money.

### **16 Temporary stoppage of roads, etc**

- (1) The appropriate authority during and for the purpose of the execution of the Company's works or the Board's works (as the case may be) may temporarily stop up and divert and interfere with any road, bridleway or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, bridleway or footpath from passing along and using the same.
- (2) The appropriate authority shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.
- (3) The appropriate authority shall not exercise the powers of this section without the consent of the highway authority but such consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.
- (4) The appropriate authority shall not exercise the powers of this section with respect to any road unless they have given not less than 21 days' notice in writing of their intention so to do to—

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- (a) the traffic commissioner, constituted for the purposes of the Public Passenger Vehicles Act 1981, in whose area the road is situate; and
- (b) the operator over that road of a local service as defined in the Transport Act 1985;

except in case of emergency when such notice as is practicable shall be given.

- (5) The exercise by the appropriate authority of the powers of this section in relation to any road, bridleway or footpath shall not prejudice or affect the rights of the operator of any telecommunications code system (within the meaning of Schedule 4 to the Telecommunications Act 1984) to maintain, inspect, repair, renew or remove telecommunication apparatus (within the meaning of paragraph 1 of Schedule 2 to the said Act of 1984) or break open that road, bridleway or footpath for any of those purposes.

## 17 Underpinning of buildings near works

- (1) The appropriate authority at their own costs and charges may, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 35 metres of any of the works and the following provisions shall have effect:—
  - (a) At least 14 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened;
  - (b) Each such notice shall be served in manner prescribed by section 30 of the Act of 1965, as applied by this Act;
  - (c) If any owner, lessee or occupier of any such house or building shall, within 10 days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration;
  - (d) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the appropriate authority may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which such underpinning or strengthening was done, or within five years after the opening for traffic of that work, enter upon and survey such house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient;
  - (e) The appropriate authority shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section;
  - (f) Nothing in this section nor any dealing with any property under this section shall relieve the appropriate authority from the liability to compensate under section 10(2) of the Act of 1965, as applied by this Act, or under any other enactment in respect of loss or damage arising from the execution of any works, other than works of underpinning or strengthening authorised by this section;
  - (g) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Land Compensation Act 1961.
- (2) The appropriate authority shall, so far as is reasonably practicable, so exercise the powers of this section as not to obstruct or render less convenient the access to any telecommunication apparatus (within the meaning of paragraph 1 of Schedule 2 to the Telecommunications Act 1984) belonging to, or used by, the operator of any

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telecommunications code system (within the meaning of Schedule 4 to the said Act of 1984).

## **18 Use of sewers, etc., for removing water**

- (1) In this section “relevant authority” means any sewerage undertakers within the meaning of the Water Act 1989 or a local authority.
- (2) The appropriate authority 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, 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 appropriate authority 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, which consent shall not be unreasonably withheld, and subject to such terms and conditions as the relevant authority may reasonably impose; and
  - (b) the appropriate authority 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 but approval of those plans by the relevant authority shall not be unreasonably withheld.
- (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 excluded from the reference to any local statutory provision mentioned in section 108 (1) (d) of that Act.
  - (b) In the exercise of their powers under this section the appropriate authority shall not damage or interfere with the bed of any watercourse forming part of the main river of the National Rivers Authority or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976 or forming part of a metropolitan watercourse within the meaning of paragraph 1 of Schedule 5 to that Act.
- (4) The appropriate authority 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 appropriate authority and a relevant authority under this section shall be referred to and settled by arbitration.

## **19 Exercise of powers with respect to works**

- (1) The Company and the Board may enter into and carry into effect agreements with respect to the construction, maintenance, use and operation of any of the works, or any part of any of those works, and any works required for the purposes thereof or in connection therewith by the Board or by the Company, or by the Company and the Board jointly, and any such agreement may make provision with respect to any other matters incidental or subsidiary thereto or consequential thereon, including the

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defraying of, or the making of contributions towards, costs incurred by either party to the agreement.

- (2) Without prejudice to the generality of subsection (1) above, any such agreement may provide for the exercise by the Board or by the Company, or by the Company and the Board jointly, of all or any of the powers of the Company or the Board (as the case may be) with respect to any of the works and any works required for the purposes thereof or in connection therewith.
- (3) The exercise by the Board or by the Company or by the Company and the Board jointly, under this section of any powers of the other of them with respect to the works, or any part of any of those works, or any works required for the purposes thereof or in connection therewith, shall be subject to the same provisions in relation to those powers as would apply if those powers were exercised by the Company or the Board (as the case may be) alone, and accordingly those provisions, with any necessary modifications, shall apply to the exercise of such powers by the Board or the Company, or by the Company and the Board jointly.
- (4) The Company and the Board may enter into, and carry into effect, agreements for the transfer to, and vesting in, the Board or the Company, or the Company and the Board jointly, of any of the works or any part of any of those works, or any works required for the purposes thereof or in connection therewith, together with the rights and obligations of the Company or the Board (as the case may be) in relation thereto.