



London Underground (Green Park) Act 1994

1994 CHAPTER ix

PART II

WORKS, ETC.

4 Power to make works

The Company may, in the lines or situations shown on the substituted plan and according to the levels shown on the substituted sections, make and maintain in Greater London the works described in the Schedule to this Act, with all necessary works and conveniences connected therewith.

5 Access from Arlington Street

The Company may in the city of Westminster form and lay out means of access from Arlington Street at point A on the substituted plan for the purpose of constructing the works.

6 Power to open surface of and temporarily stop up streets

(1) The Company may for the purpose of constructing the works—

- (a) enter upon, open, break up and interfere with; and
- (b) temporarily stop up and divert;

so much of the streets specified in subsection (3) below as is within the limits of deviation 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 or building abutting on the street, from passing along and using the same.

(2) The Company shall provide reasonable access for persons on foot going bona fide to or from any such land or building.

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(3) The streets referred to in subsection (1) above are—

In the city of Westminster—

Arlington Street;

Bennett Street;

7 Notice of interference with streets

Before breaking up or otherwise interfering with any street to which the public has access in connection with the construction of any of the works, the Company shall (except in case of emergency) give not less than 14 days' notice in writing to—

- (a) the London Fire and Civil Defence Authority; and
- (b) the chief officer of police; and make such arrangements with the chief officer of police as may be reasonably necessary so as to cause as little interference with the traffic in such street during the construction of such works as may be reasonably practicable.

8 Use of sewers, etc., for removing water

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

- (a) the Company shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and
 - (b) the Company 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 is vested and approval of those plans by the relevant authority shall not be unreasonably withheld.
- (a) (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 Company 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 Company shall take all steps reasonably 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 Company and a relevant authority under this section shall be settled by arbitration.

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- (5) In this section “relevant authority” means Thames Water Utilities Limited, the National Rivers Authority or the Westminster City Council.

9 Power to deviate

In the execution of any of the works, the Company may deviate from the lines or situations thereof shown on the substituted plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the substituted sections—

- (a) to such extent downwards as may be found necessary or convenient; and
- (b) to any extent upwards not exceeding 3 metres in the case of Works Nos. 4, 4a, 4b, 5 and 5a and to such extent upwards in the case of Work No. 4c as may be found necessary or convenient.

10 Safeguarding works to buildings

- (1) In connection with the works, the Company at their own cost may, subject as hereinafter provided, carry out safeguarding works to any building situated within 35 metres of the works and for that purpose may enter any such building or any land belonging thereto.
- (2) In connection with the safeguarding works authorised by subsection (1) above, the following provisions shall have effect:—
- (a) before exercising the powers of subsection (1) above at least 14 days' notice shall, except in cases of emergency, be given to the owners, lessees and occupiers of the building in respect of which safeguarding works are proposed;
 - (b) a notice shall be served in the manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845;
 - (c) if any owner, lessee or occupier of any such building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such safeguarding works, the question of necessity shall be referred to and settled by arbitration;
 - (d) the Company shall compensate the owners, lessees and occupiers of every such building for any loss or damage which may result to them by reason of the exercise by the Company of the powers of this section;
 - (e) in any case where safeguarding works have been carried out to any building under the powers of this section, the Company may, from time to time after the completion of such safeguarding works, and during the execution of the works in connection with which such safeguarding works were done, or before the expiry of five years after the opening for public use of the works, enter upon and survey such building and do such further safeguarding works as they may deem necessary or expedient or, in case of dispute between the Company and the owner, lessee or occupier of the building, as may be determined by arbitration;
 - (f) if the safeguarding works carried out by the Company to any building under the powers of this section prove at any time before the expiry of five years from the opening for public use of the works in connection with which such safeguarding works were carried out to be inadequate for the support or protection of the building against further damage arising from the execution of the works, the Company shall compensate the owner, lessee and occupier of the building for such damage;

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- (g) nothing in this section or in any dealing with any property in pursuance of this section shall relieve the Company from liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845;
 - (h) every case of compensation to be ascertained under this section shall be determined in accordance with Part I of the Land Compensation Act 1961.
- (3) For the purpose of determining whether and, if so, how to exercise their powers and how to discharge their duties under this section, the Company may at any reasonable time enter and survey any building to which subsection (1) above applies.
- (4) To enable them to carry out the safeguarding works authorised by subsection (1) above, the Company may stop up, divert, break open and interfere with any street or footpath, whether public or private, or any other open space which is adjacent to any building to which safeguarding works are to be carried out.
- (5) In this section—
 - (a) “building” includes any structure or any part of a building or structure and, in the case of so much of the works as are constructed below the surface of the ground, reference to a building within 35 metres of those works includes reference to any building within 35 metres of the point on the surface below which those works are situated;
 - (b) “safeguarding works” includes underpinning, strengthening and any other works which in the reasonable opinion of the Company might prevent damage to any building which may arise as a result of the construction of the works; and
 - (c) “the works” does not include safeguarding works.

11 Incorporation of works provisions

Section 15 (Power to make trial holes) of the Act of 1963 is, with necessary modifications, incorporated with this Act.