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STATUTORY INSTRUMENTS

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**2018 No. 574**

**The Silvertown Tunnel Order 2018**

**PART 2**

**WORKS PROVISIONS**

*Principal powers*

**Disapplication of legislation, etc.**

**3.—(1)** The following enactments do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within any maintenance period defined in article 30(14), any maintenance of any part of the authorised development—

- (a) Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879(1), subject to paragraph (3);
- (b) Metropolitan Board of Works (Various Powers) Act 1882(2);
- (c) London County Council (General Powers) Act 1907(3);
- (d) London Overground Wires &c. Act 1933(4);
- (e) London County Council (General Powers) Act 1957(5);
- (f) London County Council (General Powers) Act 1961(6);
- (g) London County Council (General Powers) Act 1962(7);
- (h) sections 66 to 75 of the 1968 Act;
- (i) Greater London Council (General Powers) Act 1970(8);
- (j) Thames Barrier and Flood Prevention Act 1972(9);
- (k) Thames Water Authority Land Drainage Byelaws 1981;
- (l) Greater London Council (General Powers) Act 1986(10);
- (m) section 24 (restrictions on abstraction) of the Water Resources Act 1991(11);
- (n) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991;

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- (1) 1879 c. cxcvii.
  - (2) 1882 c. lvi.
  - (3) 1907 c. clxxv.
  - (4) 1933 c. xliv.
  - (5) 1957 c. xxxv.
  - (6) 1961 c. xliii.
  - (7) 1962 c. xlv.
  - (8) 1970 c. lxxvi.
  - (9) 1972 c. xl.
  - (10) 1986 c. iv.
  - (11) 1991 c. 57.

- (o) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(12)</sup> in respect of a flood risk activity only; and
- (p) the provisions of the Neighbourhood Planning Act 2017<sup>(13)</sup> in so far as they relate to temporary possession of land under articles 29 and 30 of this Order.

(2) Despite the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010<sup>(14)</sup> any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

(3) The disapplication of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 by paragraph (1)(a) does not affect the Environment Agency’s ability to use the powers vested in it under that Act against any person, other than TfL and any other person exercising a power under this Order, provided that the use of those powers vested in the Agency does not interfere with the construction of the authorised development.

(4) Following the expiry of any maintenance period defined in article 30<sup>(14)</sup>, the requirement under section 70<sup>(15)</sup> (works not to be constructed, etc., without works licence) of the 1968 Act to obtain a works licence under section 66 (licensing of works) of that Act does not apply to anything done within any structure forming part of the authorised development in connection with its operation or maintenance or any other function of TfL.

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<sup>(12)</sup> S.I. 2016/1154.

<sup>(13)</sup> 2017 c. 20.

<sup>(14)</sup> S.I. 2010/948, amended by S.I. 2011/987; there are other amending instruments but none is relevant.

<sup>(15)</sup> As amended by section 46 of the Criminal Justice Act 1982 (c. 48).