



# London Regional Transport (No. 2) Act 1989

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ELIZABETH II



1989 CHAPTER xi

An Act to empower London Underground Limited to construct works and to acquire lands; to confer powers on London Regional Transport; and for other purposes.  
[27th July 1989]

**W**HEREAS—

(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”):

1984 c. 32.  
1969 c. 35.

(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) London Underground Limited (in this Act referred to as “the Company”) were incorporated as a wholly-owned subsidiary of the Corporation by virtue of the London Regional Transport Act 1984 and the

Companies Acts 1948 to 1981 (inter alia) to acquire and take over, as a going concern, that part of the undertaking of the Corporation responsible for operating the railway system of the Corporation (other than the Docklands Railway) and for the maintenance of such railway system and to carry on, develop and turn to account that part of that undertaking and all property and assets acquired from the Corporation in connection therewith:

(4) By the London Regional Transport Underground Railway Asset Transfer Scheme 1985 made under the provisions of section 4 (7) of the said Act of 1984 there was transferred from the Corporation to the Company all the property, rights and liabilities comprised in those parts of the Corporation's undertaking connected with the Corporation's underground railway services (except as provided in the said Scheme) together with any functions under any statutory provision relating to the Corporation's underground railway:

(5) It is expedient that for the purposes aforesaid the Company should be empowered to construct the works authorised by, and to acquire the lands referred to in, this Act:

(6) 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:

(7) 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 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 council of the London borough of Islington, 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:

(8) 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 London Regional Transport (No. 2) Act 1989.
- Interpretation.       2.—(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 related subject-matter the same respective meanings; and—
- |                 |  |
|-----------------|--|
| 1845 c. 20.     | “the Act of 1845” means the Railways Clauses Consolidation Act 1845; |
| 1863 c. 92.     | “the Act of 1863” means the Railways Clauses Act 1863;               |
| 1963 c. xxiv.   | “the Act of 1963” means the London Transport Act 1963;               |
| 1964 c. xxvi.   | “the Act of 1964” means the London Transport Act 1964;               |
| 1965 c. xli.    | “the Act of 1965” means the London Transport Act 1965;               |
| 1966 c. xxxiii. | “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 1978” means the London Transport Act 1978;  
 “the Act of 1981” means the London Transport Act 1981;  
 “the Company” means London Underground Limited;  
 “constructed in tunnel” means constructed in tunnel in such manner as does not necessitate the cutting through or removal of the surface soil;  
 “the Corporation” means London Regional Transport;  
 “the limits of deviation” means the limits of deviation shown on the deposited plan;  
 “the underground railways” means such portions of Works Nos. 1 to 6 and any necessary works and conveniences connected therewith as are constructed in tunnel; and  
 “the works” means the works authorised by Part II (Construction of works, etc., by Company) of this Act.

(2) Any reference to the London Transport Board or London Transport Executive in any of the provisions incorporated with this Act by section 10 (Incorporation of works provisions), section 17 (Incorporation of lands provisions) and section 18 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Company.

(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.—(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 133 of the Lands Clauses Consolidation Act 1845;  
 (b) the Act of 1845, except sections 7, 8, 9, 11, 12, 13, 14, 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 to 19 thereof.

(2) For the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act—

- (a) the expression “the company” where used in the said incorporated provisions means the Company; and  
 (b) Works Nos. 1 to 4 and 6 shall be deemed to be railways authorised by the special Act.

(3) Sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Company 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  
 (b) section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

## PART I

—cont.

1969 c. 1.  
 1976 c. xxxvii.  
 1978 c. xv.  
 1981 c. xxxii.

Incorporation  
 of general  
 enactments.

1845 c. 18.

1950 c. 39.

## PART II

## CONSTRUCTION OF WORKS, ETC., BY COMPANY

Power to make works.

4. Subject to the provisions of this Act, the Company 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 at their Angel station in the London borough of Islington with all necessary works and conveniences connected therewith:—

(Works at Angel station).

Work No. 1 A ticket hall and a subway (including an escalator subway) (113 metres in length) commencing at a point 18 metres east of the junction of White Lion Street and Islington High Street and terminating beneath a point 30 metres south-east of the junction of Islington High Street and St. John Street, together with means of access to and from the ticket hall from and to Islington High Street.

Work No. 2 A subway (including an escalator subway) (73 metres in length) commencing by a junction with the subway (part of Work No. 1) beneath a point 28 metres south-east of the junction of Islington High Street and St. John Street and terminating beneath a point 44 metres south-west of the junction of City Road and Colebrooke Row.

Work No. 3 A subway (34 metres in length) commencing by a junction with the subway (part of Work No. 1) beneath a point 22 metres east of the junction of Islington High Street and St. John Street and terminating beneath a point 12 metres south-east of the junction of Torrens Street and City Road.

Work No. 4 A draught relief subway (56 metres in length) commencing by a connection with the existing lift shaft beneath a point 20 metres north-east of the junction of Torrens Street and City Road and terminating beneath a point 32 metres north-west of the junction of Colebrooke Row and City Road.

Work No. 5 A railway (500 metres in length), being a deviation of the existing northbound railway of the Northern Line, commencing by a junction with that railway beneath a point 47 metres east of the junction of Baron Street and Pentonville Road and terminating by a junction with the said railway beneath a point 12 metres west of the junction of Nelson Terrace and City Road.

Work No. 6 A draught relief shaft and a subway (11 metres in length) commencing beneath a point 29 metres west of the junction of Colebrooke Row and City Road and terminating by a junction with Work No. 5 beneath a point 34 metres south-west of the said junction of those roads.

Temporary stoppage of streets.

5.—(1) The Company may during and for the purposes of the execution of the works, temporarily stop up and interfere with so much of City Road and Goswell Road in the London borough of Islington as lies 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, house or building abutting on any part of the streets so stopped up and interfered with from passing along and using the same.

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

6. The Company may, during and in connection with the execution of Works Nos. 5 and 6, temporarily stop up and interfere with the footway numbered on the deposited plan 32 in the London borough of Islington and lying between the points marked "A" and "B" on that plan and may for any reasonable time prevent all persons from passing along and using the said footway.

PART II  
—cont.  
Temporary  
stoppage of  
footway.

7.—(1) The following provisions shall apply to the construction of the underground railways:—

General mode as  
to construction  
of underground  
railways.

(a) The works, where constructed in tunnel, shall be constructed in single tunnel:

(b) The underground railways shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:

(c) (i) The tunnels comprised in the underground railways (including the station tunnel) shall be lined throughout with iron or other sufficient metal plates or with concrete or other suitable material;

(ii) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with cast iron, brick, concrete or other equally suitable and durable material;

(iii) The internal diameter of the station tunnel shall not exceed 9 metres, the internal diameter of cross-over and junction tunnels shall not exceed 12 metres, the internal diameter of tunnels between stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves or for other constructional purposes) exceed 5 metres, the internal diameter of shafts shall not exceed 12 metres, and escalator tunnels shall have an internal diameter not exceeding 10 metres;

(iv) Where the ground is suitable any space between the lining of the tunnels (including station, cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:

(d) If water is found to be present in the construction of the underground railways in such quantity as to necessitate the employment of compressed air, the Company shall stop all excavating work at the point where the same is so found, and the further driving of the tunnels at the working face at that point, until air-compressing machinery shall have been provided to produce such a pressure of air as will prevent the inflow of any sand, water, gravel or soil, and such machinery shall be maintained in full working order, and the work at such working face carried on under compressed air, so long as may be necessary; alternatively, instead of the work being carried on under compressed air, the Company may, in any case where it is expedient to staunch or limit any inflow of sand, water, gravel or soil into the tunnels, use chemicals to secure consolidation of the ground or may apply a freezing process for the freezing of the subsoil until the lining of the tunnel is fully erected or secured:

(e) Except in the case of unforeseen accident or for the purpose of removing rain-water or other trifling amounts of water, no use shall be made of pumping or of other like modes of removing water from the tunnels of the underground railways or from the shafts.

(2) Nothing in this section shall prejudice or affect the operation of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

PART II  
—cont.

Power to deviate.

8. In the execution of any of the works shown on the deposited plan, the Company may deviate from the lines or situations thereof shown on the deposited plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent upwards not exceeding 3 metres and to such extent downwards as may be found necessary or convenient.

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

9. The Company 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—

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

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.

Incorporation of works provisions.

10.—(1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

- Section 10 (Provisions as to use of electrical power);
- Section 11 (Compensation for damage by working); 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:

The Act of 1978—

- Section 10 (Use of sewers, etc., for removing water).

(2) For the purposes of this Act references in the said sections 10 and 11 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to the underground railways and the said section 10 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”.

PART III

ACQUISITION OF LANDS BY COMPANY

Power to acquire lands.

11.—(1) Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands delineated on the deposited plan 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) Subject to the provisions of this Act, the Company 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.



PART III  
— cont.Power to  
acquire  
subsoil or  
new rights  
only in certain  
cases.

12.—(1) In this Part of this Act “new rights” in relation to any land means easements or other rights in, under or over such land, which are not in existence at the passing of this Act.

(2) Notwithstanding anything in this Act, the Company may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such new rights as they may require in, under or over—

(a) any watercourse, drain or sewer; or

(b) any of the lands described in Schedule 1 to this Act;

without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such entry, taking and using.

(3) (a) If, in any case where the Company enter upon, take and use the subsoil and under-surface of, or acquire a new right in or under, any of the lands described in the said schedule, they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.

(b) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Company under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

13.—(1) In this section—

“the specified lands” means the lands referred to in Schedule 2 to this Act; and

“the level of the surface of the specified lands” means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building or, in the case of a watercourse or other water area, means the level of the surface of the adjoining ground which is at all times above water level.

Subsoil or new  
rights only to  
be acquired  
under certain  
lands.

(2) (a) Notwithstanding the provisions of subsection (1) of section 11 (Power to acquire lands) of this Act, the Company shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) below.

(b) The Company may, within the limits of lateral deviation prescribed by this Act in respect of the works, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purposes of constructing, maintaining, protecting, renewing and using the works and any necessary works and conveniences connected therewith, or compulsorily purchase such new rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such entry, taking and using.

(c) For the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 9 metres of the level of the surface of the specified lands.

PART III  
— cont.  
Application of  
Lands Clauses  
Acts to  
compulsory  
purchase of  
new rights.

**14.—**(1) The Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land in, under or over which the rights are or are to be exercisable, according to the requirements of the particular context.

(2) Without prejudice to the generality of subsection (1) above in relation to the purchase of new rights in pursuance of section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act—

1845 c. 18.

(a) the Lands Clauses Consolidation Act 1845 shall, subject to the provisions of subsection (3) below, have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976 and as if for the word “over”, wherever it occurs in paragraph 1 of that schedule, there were substituted the words “in, under or over”;

(b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

(3) Notwithstanding anything in this section, section 92 of the Lands Clauses Consolidation Act 1845 shall not apply to any compulsory acquisition or purchase by the Company under section 12 (Power to acquire subsoil or new rights only in certain cases) or section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act.

Set-off for  
enhancement  
in value of  
retained land.

**15.—**(1) In this section “relevant land” means any land or any subsoil or under-surface of or new rights in, under or over any land acquired by the Company for the purposes of the works.

(2) In assessing the compensation payable to any person on the acquisition by the Company 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.

1961 c. 33.

(3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

Period for  
compulsory  
purchase of lands  
and new rights.

**16.** The powers of the Company for the compulsory purchase of lands and new rights under this Act shall cease on 31st December 1993.

Incorporation  
of lands  
provisions.

**17.—**(1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

Section 21 (Powers to enter for survey or valuation); and

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

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):

PART III  
—cont.

The Act of 1966—

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

##### FURTHER PROVISIONS FOR COMPANY

18.—(1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—

Incorporation  
of protective  
provisions.

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 the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

(a) 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 10 (Incorporation of works provisions) of this Act; and

(b) in the definition of “the specified works” in paragraph (1), for the reference to the works authorised by the Act of 1976 there were substituted a reference to the works.

(3) 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 as defined in section 9 (3) of the Telecommunications Act 1984.

1984 c. 12.

19.—(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).

Planning  
permission.  
S.I. 1988/1813.

(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 by 31st December 1999.

(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.

## PART V

## PROVISIONS FOR CORPORATION

Application of section 168 of Road Traffic Act 1972 to British Transport Police Force.

S.I. 1964/1456.  
1983 c. 16.

1972 c. 20.

1984 c. 32.

20.—(1) In this section—

“the British Transport Police Force” means the force established by the Scheme set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964;

“level crossing” has the same meaning as in section 1 of the Level Crossings Act 1983;

“road” has the same meaning as in section 196 of the Road Traffic Act 1972; and

“subsidiary” has the same meaning as in section 68 of the London Regional Transport Act 1984.

(2) In the application of section 168 of the said Act of 1972 (which imposes a duty on the keeper of a vehicle to give information to a chief officer of police as to the identity of the driver, etc., in certain circumstances) to an offence alleged to be committed at a level crossing or on a road forming an access or approach to any garage, depot, railway or bus station, goods yard, workshop or other premises of the Corporation or any subsidiary of the Corporation, the expression “chief officer of police”, where used in that section, shall include the chief constable of the British Transport Police Force.

## PART VI

## GENERAL

Costs of Act.

21. 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.

## SCHEDULES

## SCHEDULE 1

Section 12.

LANDS REFERRED TO IN SECTION 12 (POWER TO ACQUIRE SUBSOIL OR NEW RIGHTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plan (2)
London borough of Islington	Works Nos. 1, 2, 3 & 5   84 and 85 to 90 Works Nos. 5 & 6   30 to 32

## SCHEDULE 2

Section 13.

LANDS REFERRED TO IN SECTION 13 (SUBSOIL OR NEW RIGHTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plan (2)
London borough of Islington	Works Nos. 1, 2, 3 and 5   5 to 25, 74 to 83 and 84a Work No. 4   67 to 72 Works Nos. 5 & 6   1, 3, 25 to 28, 33 to 59 and 61 to 63

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