



London Regional Transport Act 1989

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ELIZABETH II



1989 CHAPTER ii

An Act to empower London Regional Transport to construct works and to acquire lands; to empower London Underground Limited to acquire lands; to confer further powers on London Regional Transport; and for other purposes. [7th February 1989]

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”):

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:

1984 c. 32.

(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 those parts authorised by the London Docklands Railway Acts 1984 and 1985) 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 London Regional Transport Act 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:

1980 c. 65.

S.I. 1981/936.

(5) 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 work described on the deposited plans and the deposited section as Work No. 5 authorised, and the powers relating thereto conferred, by this Act will advance the securing of such regeneration:

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

(7) 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:

(8) A plan and section showing the line or situation and levels of the work to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans 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 officers of the councils of the London boroughs of Newham and Southwark, which plans, section and book of reference are respectively referred to in this Act as the deposited plans, the deposited section and the deposited book of reference:

(9) 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 Act 1989.

PART I
—cont.
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—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845;	1845 c. 20.
“the Act of 1863” means the Railways Clauses Act 1863;	1863 c. 92.
“the Act of 1963” means the London Transport Act 1963;	1963 c. xxiv.
“the Act of 1964” means the London Transport Act 1964;	1964 c. xxvi.
“the Act of 1965” means the London Transport Act 1965;	1965 c. xli.
“the Act of 1966” means the London Transport Act 1966;	1966 c. xxxiii.
“the Act of 1969” means the London Transport Act 1969;	1969 c. l.
“the Act of 1976” means the London Transport Act 1976;	1976 c. xxxvii.
“the Act of 1978” means the London Transport Act 1978;	1978 c. xv.
“the Act of 1981” means the London Transport Act 1981;	1981 c. xxxii.
“the Act of 1985” means the London Docklands Railway Act 1985;	1985 c. vi.
“the appropriate authority” means the Company or the Corporation, as the case may be;	
“the Company” means London Underground Limited;	
“the Corporation” means London Regional Transport;	
“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;	1984 c. 12.
“the railways board” means the British Railways Board;	
“the tribunal” means the Lands Tribunal;	
“the Work” means the work described on the deposited plans and the deposited section as Work No. 5 and authorised by section 4 (Power for Corporation to make work) of this Act; and	
“the works” means the works authorised by Part II (Works, etc.) of this Act.	

(2) Any reference to the London Transport Board, London Transport Executive or London Regional Transport in any of the provisions incorporated with this Act by section 9 (Incorporation of works provisions), section 13 (Incorporation of lands provisions) and section 14 (Incorporation of protective provisions) of this Act shall be construed as a reference to the appropriate authority.

(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.

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:—

Incorporation of
general
enactments.

- | | |
|---|-------------|
| (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845; | 1845 c. 18. |
| (b) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 94 and 95 thereof; and | |

PART I
—cont.

(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 so incorporated, the expression “the company” where used in the said incorporated provisions means the appropriate authority.

(3) Sections 18 and 21 of the Act of 1845, as so incorporated, shall not extend to regulate the relations between the appropriate authority and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—

1950 c. 39.

(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 II

WORKS, ETC.

Power for
Corporation to
make works.

4. Subject to the provisions of this Act, the Corporation may, in the line or situation shown on the deposited plans and according to the levels shown on the deposited section, make and maintain, in the London borough of Newham, a railway (410 metres in length) at Pudding Mill Lane, Stratford Marsh, commencing by a junction with Work No. 1 being constructed under the Act of 1985 at a point 125 metres west of the junction of Cook’s Road and Barbers Road and terminating by a junction with the said Work No. 1 at a point 142 metres north-east of the junction of Barbers Road and Pudding Mill Lane with all necessary works and conveniences connected therewith.

Power to open
surface of streets.

5.—(1) Subject to the provisions of this Act, the Corporation may for the purpose of constructing the Work, enter upon, open, break up and interfere with so much of the surface of the following streets as is within the limit of deviation:—

In the London borough of Newham—

Pudding Mill Lane;

Marshgate Lane.

(2) The Corporation shall, on completion of the Work restore the surface of the streets referred to in subsection (1) above to as good a condition as the same were in when first interfered with by the Corporation or as near thereto as may be.

Temporary
stoppage of
streets.

6.—(1) The Corporation may, during and for the purpose of the execution of the Work, temporarily stop up and interfere with so much of any of the following streets as is within the limit 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 a street so stopped up and interfered with from passing along and using the same:—

In the London borough of Newham—

Pudding Mill Lane;

Marshgate Lane.

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

7. In the execution of the Work the Corporation may deviate from the line or situation thereof shown on the deposited plans to the extent of the limit of deviation and may deviate vertically from the levels shown on the deposited section to any extent not exceeding 3 metres upwards or downwards.

PART II
—*cont.*
Power to deviate.

8. Notwithstanding anything in section 49 of the Act of 1845, the Corporation may, in constructing the Work over the highways known as Pudding Mill Lane and Marshgate Lane, make and maintain bridges carrying that work over those highways at heights which are not greater than the heights of the bridges adjacent thereto belonging to the railways board.

Height of bridges
over certain
highways.

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

Incorporation of
works provisions.

The Act of 1963—

Section 7 (Repair of roads where level not permanently altered);

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:

The Act of 1978—

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

The Act of 1985—

Section 9 (Agreements with British Railways Board); and

Section 10 (Plans, etc., to be approved by the Secretary of State).

(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 Work.

(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 telecommunication apparatus (as defined in paragraph 1 of Schedule 2 to the Telecommunications Act 1984) kept installed for the purposes of that system.

1984 c. 12.

(4) For the purpose of this Act—

(a) section 15 of the Act of 1963, as so incorporated, shall not apply to the lands of the railways board delineated on the deposited plans and thereon numbered 1 and 7 in the London borough of Newham; and

(b) references in the said section 9 of the Act of 1985, as so incorporated, to the designated land shall be construed as references to the said lands of the railways board and reference to the specified works shall be construed as a reference to the Work.

PART III

LANDS

10.—(1) Subject to the provisions of this Act, 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 Work or for any purpose connected with or ancillary to their undertaking.

Power for
Corporation to
acquire lands.

PART III
—cont.

(2) The Corporation shall not under the powers of this Act, without the consent of the railways board, acquire or enter upon, take or use whether temporarily or permanently the lands of the railways board delineated on the deposited plans and therein numbered 1 and 7 in the London borough of Newham.

Power for
Company to
acquire lands at
Elephant
and Castle.

11. Subject to the provisions of this Act, the Company may enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 and 2 in the London borough of Southwark for the purpose of reconstructing and enlarging the ticket hall at the Elephant and Castle (Northern Line) station, together with all necessary works and conveniences connected therewith.

Period for
compulsory
purchase of
lands and
new rights.

12. The powers of the appropriate authority for the compulsory purchase of lands and new rights under this Act shall cease on 31st December 1992.

Incorporation
of lands
provisions.

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

The Act of 1963—

Section 21 (Power 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—

Section 14 (Power to expedite entry):

The Act of 1969—

Section 14 (Disregard of recent improvements and interests):

The Act of 1985—

Section 13 (Power to acquire new rights).

(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”.

(3) Section 21 of the Act of 1963, as so incorporated, shall not apply to the lands of the railways board delineated on the deposited plans and thereon numbered 1 and 7 in the London borough of Newham.

PART IV

PROTECTIVE PROVISIONS

Incorporation
of protective
provisions.

14.—(1) The following provisions of the undermentioned 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 1965—

Section 25 (As to works within Metropolitan Police District):

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):

The Act of 1985—

Section 19 (For protection of British Railways Board); and
Section 20 (For protection of British Waterways Board).

PART IV
—cont.

(2) The provisions of the said section 42 of the Act of 1963, as so incorporated, shall have effect as if for the definition of the “undertakers” in paragraph (1) thereof there were substituted the following:—

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

(3) 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 9 (Incorporation of works provisions) of this Act; and

(b) 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 reference to a public telecommunications operator.

(5) The provisions of the said section 19 of the Act of 1985, as so incorporated, shall have effect as if—

(a) in the definition of “the specified works” in paragraph (1) thereof, for the reference to the works authorised by the Act of 1985 there were substituted a reference to the Work; and

(b) paragraph (2) of that section were omitted.

(6) The provisions of the said section 20 of the Act of 1985, as so incorporated, shall have effect as if, in the definition of “the designated works” in paragraph (1) thereof, for the reference to the works authorised by the Acts of 1984 and 1985 there were substituted a reference to the Work.

PART V

MISCELLANEOUS

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

Additional
fares.

PART V
—cont.

Amalgamation of
pension funds.

16.—(1) In this section—

“the appointed day” means such day as may be fixed by appointment resolution of the Corporation under this section as the day upon which the winding-up of the old schemes and the application to the assets of the old schemes of the trusts of the new scheme are to have effect;

“appointment resolution” means the resolution passed by the Corporation under subsection (2) (a) below;

“the new scheme” means the London Regional Transport Pension Scheme constituted by the trust deed;

“the old schemes” means the pension fund and the superannuation fund;

“the pension fund” means the London Transport Pension Fund;

“the superannuation fund” means the London Transport 1970 Superannuation Fund;

“the trust deed” means a deed dated 26th November 1986 and made by the Corporation and the trustees whereby the new scheme was constituted; and

“the trustees” means the trustees of the trust deed.

(2) (a) The Corporation shall publish in a newspaper circulating in London and in the London Gazette notice of the passing of the appointment resolution and of the day fixed thereby and the day so fixed shall not be earlier than the expiration of 28 days from the date of the last publication of the notice.

(b) A photostatic or other reproduction certified by an officer of the Corporation designated by them for the purposes of this subsection to be a true reproduction of a page or part of a page of any newspaper or gazette being a page or part of a page bearing the date of publication and containing the notice mentioned in paragraph (a) above shall be evidence of the publication of the notice and of the date of publication.

(3) On the appointed day—

(a) all property, rights and liabilities of or vested in the trustees of the pension fund and of the superannuation fund shall be transferred to and vest in the trustees upon the trusts of the new scheme set out in the trust deed; and

(b) every member of either of the old schemes shall become a member of the new scheme and his membership of the old scheme shall for all purposes be deemed to have been membership of the new scheme.

(4) Upon the transfer in accordance with the provisions of subsection (3) above of the property, rights and liabilities of the old schemes each of the old schemes shall be discontinued and wound up.

Planning
permission.
S.I. 1988/1813.

17.—(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 by 31st December 1998.

(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
—cont.

18. 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 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.

Arbitration.

19. 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.

Costs of Act.

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