



London Underground (Jubilee) Act 1993 (c. ix)

1993 CHAPTER ix

PART II

WORKS, ETC.

4 Power to make works.

The Company may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain in Greater London the works described in Schedule 1 to this Act with all necessary works and conveniences connected therewith.

5 Power to open surface of and temporarily stop up streets.

- (1) The Company may, during and for the purpose of the execution of the works—
 - (a) enter upon, open, break up and interfere with; and
 - (b) temporarily stop up and divert;so much of the streets named in column (2) of Schedule 2 to this Act to the extent specified in column (3) of that Schedule 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.

6 Stopping up, etc., of streets and footways.

- (1) The Company may—
 - (a) narrow on both sides thereof Parliament Street to the extent shown on the deposited plans;

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- (b) stop up and discontinue the footways of Victoria Embankment to the extent shown on the deposited plans; and
- (c) stop up and discontinue so much of Canon Row as lies between points B and C.

(2) After the narrowing, stopping up and discontinuance under subsection (1) above all rights of way over or along the portions of the streets or footways authorised to be narrowed or stopped up shall be extinguished and the Company may, subject to the provisions of the Act of 1845 with respect to mines and minerals lying under or near the railway, appropriate without making any payment therefor, and use for the purposes of their undertaking, the sites of the streets and footways so narrowed or stopped up.

7 Permanent openings in streets.

The Company may within the limits of deviation—

- (a) for the purpose of providing access to Works Nos. 1 and 2, make and maintain permanent openings in the footways of Parliament Street and Bridge Street; and
- (b) for the purposes of Works Nos. 4A and 4B, or either of them, make and maintain a permanent opening in Canon Row.

8 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.

9 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.

(2) (a)

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

10 Power to deviate.

In the execution of any of the works, the Company may deviate laterally 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 such extent upwards or downwards as may be found necessary or convenient.

11 Listed building provisions, etc., not to apply to works.

- (1) Subject to subsections (2) and (3) below the provisions of this Act authorising the carrying out of the works (“the works powers”) shall have effect notwithstanding—
- (a) the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- (b) the provisions of the enactments relating to historic buildings and ancient monuments; and section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (certain local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided) shall not apply to the extent that it would make the works powers subject to those provisions.
- (2) Nothing in subsection (1) above as it relates to paragraph (a) shall apply in relation to—
- (i) works for the demolition of any relevant building other than one specified in Part I of Schedule 3 to this Act; or
- (ii) works for the permanent alteration or extension of any relevant building, other than one specified in Part I or Part II of that Schedule, so as to affect its character as a building of special architectural or historic interest.
- (3) Subsection (1) above as it relates to paragraph (a) shall only apply in relation to works for the permanent alteration or extension of a building specified in column (1) of Part II of Schedule 3 to this Act which affect its character as a building of special architectural or historic interest if the works are carried out for the purpose specified in relation to that building in column (2) of that Part.

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- (4) In this section “relevant building” means a building which was, on 1st September 1991, a listed building or in a conservation area; and expressions used in this section and in the Planning (Listed Buildings and Conservation Areas) Act 1990 have the same meaning in this section as in that Act.
- (5) Section 16 (Listed building provisions, etc., not to apply to works) of the London Underground Act 1992 shall be amended as follows:—
- (a) in subsection (1) at the beginning insert “Subject to subsections (1A) and (2) below”;
 - (b) change the proviso to subsection (1) into subsection (1A) and for “Provided that nothing in paragraph (a) above” substitute “Nothing in subsection (1) above as it relates to paragraph (a)”;
 - (c) in subsection (2) for “Paragraph (a) of subsection (1) above” substitute “Subsection (1) above as it relates to paragraph (a)”.

12 Agreements with British Railways Board.

(1) (a)

In this section—

“the affected property” means the land numbered on the deposited plans 1 and 6 in the London borough of Lambeth and the land so numbered 1 and 2 in the London borough of Southwark; and

“the specified works” means such works as are carried out for the purposes mentioned in column (3) of Schedule 4 to this Act.

- (b) For the purposes of this section the reference in columns (1) and (2) of that Schedule to the land numbered on the deposited plans 1, 2 and 3 in the London borough of Lambeth shall be deemed to include a reference to the land so numbered 6 in that borough.

- (2) Any work of alteration or adaptation of property of the railways board which may be necessary in order to construct the specified works and, thereafter, the use, maintenance, repair and renewal of such property and of the specified works shall be carried out and regulated by the Company or the railways board, or jointly by both of them, in accordance with such terms and conditions as may be agreed in writing between the Company and the railways board.

(3) (a)

Any agreement made under this section may relate to the whole or part of the affected property and may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—

- (i) with respect to the defraying of, or the making of contributions towards, the cost of such works of alteration or adaptation or the costs of such maintenance, repair and renewal as are referred to in subsection (2) above by the Company or by the railways board or by the Company and railways board jointly; and
- (ii) for the exercise by the railways board, or by the Company, or by the railways board and the Company jointly, of all or any of the powers and rights of the railways board and the Company (as the case may be) in respect of any part of the specified works under any enactment or contract.

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- (b) The exercise by the Company or the railways board or by the Company and the railways board jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (a) above shall be subject to all statutory and contractual provisions relating thereto which would apply if such powers and rights were exercised by the Company or the railways board (as the case may be) alone, and all such provisions shall have effect for this purpose with any necessary modifications.
- (4) The Company and the railways board may enter into, and carry into effect, agreements for the transfer to the Company, or the Company and the railways board jointly, of any part of the affected property.
- (5) Any difference between the Company and the railways board under this section (other than a difference as to its meaning or construction) shall be referred to and settled by arbitration.

13 Incorporation of works provisions.

The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—

the Act of 1963—

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.