
STATUTORY INSTRUMENTS

2014 No. 3102

The London Underground (Northern
Line Extension) Order 2014

PART 6

MISCELLANEOUS AND GENERAL

Temporary traffic regulation

40.—(1) Subject to the provisions of this article LUL may, for the purposes of and during construction of the authorised works—

- (a) permit, suspend or modify the use as a parking place those roads specified in column (1) of Part 1 of Schedule 9 (temporary traffic regulation), along the lengths, between the points and to the extent specified in columns (2) and (3) of that Part of that Schedule, for the purposes specified in column (4) of that Part of that Schedule;
- (b) suspend or convert the operation of the bus lanes on the roads specified in column (1) of Part 2 of Schedule 9, along the lengths, between the points and to the extent specified in columns (2) and (3) of that Part of that Schedule, for the purposes specified in column (4) of that Part of that Schedule;
- (c) suspend or install the pedestrian crossings on the roads specified in column (1) of Part 3 of Schedule 9, at the locations specified in columns (2) and (3) of that Part of that Schedule, for the purposes specified in column (4) of that Part of that Schedule; and
- (d) so far as may be necessary or expedient for the purposes of or in connection with construction of the authorised works—
 - (i) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
 - (ii) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
 - (iii) suspend or authorise the use as a parking place of any road;
 - (iv) make provision as to the direction or priority of vehicular traffic on any road; and
 - (v) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by LUL.

(2) The powers conferred by paragraph (1)(d) may only be exercised after LUL has consulted the chief officer of police, the traffic authority and such other persons as it considers necessary and appropriate, after LUL has taken into consideration any representations made to it by any such persons and after LUL has obtained the consent of the traffic authority in whose area the road concerned is situated (which must not be unreasonably withheld).

(3) LUL must not exercise the powers conferred by this article in relation to any road unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention to do so to the chief officer of police and to the traffic authority in whose area the road is situated; and
 - (b) advertised its intention in such manner as the traffic authority may, within 7 days of its receipt of notice of LUL's intention, specify in writing.
- (4) Any prohibition, suspension or other provision made by LUL under paragraph (1) has effect as if duly made by, as the case may be—
- (a) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (b) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking places) of the 1984 Act,
- and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 9) to which the prohibition, restriction or other provision is subject.
- (5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by LUL from time to time by subsequent exercise of the powers conferred by paragraph (1).
- (6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.
- (7) The powers conferred on LUL by this article with respect to any road have effect subject to any agreement entered into by LUL with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

Commencement Information

II Art. 40 in force at 15.12.2014, see [art. 1](#)

Powers of disposal, agreements for operation, etc.

41.—(1) LUL may, with the consent of the Mayor of London sell, lease, charge or otherwise dispose of, on such terms and conditions as it thinks fit, the whole or any part of the authorised works and any land held in connection with them.

(2) Without limitation on the scope of paragraph (1), LUL may enter into and carry into effect agreements with respect to any of the following matters, namely, the construction, maintenance, use and operation of the authorised works, or any part or parts of them, by any other person, and other matters incidental or subsidiary to, or consequential on those matters, and the defraying of, or the making of contributions towards, the cost of those matters by LUL or any other person.

(3) Any agreement under paragraph (2) may provide, amongst other things, for the exercise of the powers of LUL in respect of the authorised works or any part of them, and for the transfer to any person of the authorised works or any part of them together with the rights and obligations of LUL in relation to them.

(4) The exercise of the powers conferred by any enactment by any person further to any sale, lease, charge or disposal under paragraph (1), or any agreement under paragraph (2), is subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by LUL.

(5) Sections 163 (restrictions on disposal of land) and 207(2) (restrictions on contracting out certain services) of the Greater London Authority Act 1999(1) do not apply to the disposal of any

(1) 1999 c. 29.

freehold interest in land or the grant of a leasehold interest in land where consent for such disposal or grant is required under paragraph (1).

Commencement Information

I2 Art. 41 in force at 15.12.2014, see [art. 1](#)

Application of landlord and tenant law

42.—(1) This article applies to any agreement for leasing to any person the whole or any part of the authorised works or the right to operate those works, and any agreement entered into by LUL with any person for the construction, maintenance, use or operation of the authorised works, or any part of them, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Commencement Information

I3 Art. 42 in force at 15.12.2014, see [art. 1](#)

Defence to proceedings in respect of statutory nuisance

43.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(2) (summary proceedings by person aggrieved by statutory nuisances) in relation to a nuisance falling within paragraph (g) of section 79(1)(3) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine is to be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by LUL for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to the authorised works and that the nuisance is attributable to the carrying out of the authorised works which are being carried out in accordance with a notice served under section 60 (control of noise

(2) [1990 c. 43](#). Section 82 was amended by section 5(2) of the Noise and Statutory Nuisance Act [1993 \(c. 40\)](#) and paragraph 6 of Schedule 17 to the Environment Act [1995 \(c. 25\)](#).

(3) Section 79(1) was amended by section 2(2) of the Noise and Statutory Nuisance Act 1993, section 120 of, and paragraph 2(a) of Schedule 17 and paragraph 89(2) of Schedule 22 to, the Environment Act 1995, sections 101(2) and 102(2) of the Clean Neighbourhoods and Environment Act [2005 \(c. 16\)](#) and sections 109(2), 110(2), 111(2) and 112(2)(a) of the Public Health etc. (Scotland) Act [2008 \(asp. 5\)](#).

on construction sites), or a consent given under section 61(4) (prior consent for work on construction sites) or section 65(5) (noise exceeding registered level), of the Control of Pollution Act 1974(6); or

- (b) that the nuisance is a consequence of the operation of the authorised works and that it cannot reasonably be avoided.

(2) The following provisions of the Control of Pollution Act 1974—

- (a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990); and
- (b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded),

do not apply where the consent relates to the use of premises by LUL for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) The provisions of this article do not affect the application to the authorised works of section 122 of the Railways Act 1993(7) (statutory authority as a defence to actions in nuisance, etc.) or any rule of common law having similar effect.

Commencement Information

I4 Art. 43 in force at 15.12.2014, see [art. 1](#)

Disclosure of confidential information

44. A person who—

- (a) enters a factory, workshop or workplace under the provisions of article 18 (protective works to buildings) or article 20 (power to survey and investigate land, etc.); and
- (b) discloses to any person any information obtained as a result of that entry and relating to any manufacturing process or trade secret,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which the person was authorised to enter the land.

Commencement Information

I5 Art. 44 in force at 15.12.2014, see [art. 1](#)

Certification of plans, etc.

45. LUL must, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited plans and the deposited sections to the Secretary of State for certification that they are respectively, true copies of the book of reference, the deposited plans and the deposited

(4) Section 61 was amended by Schedule 7 to the Building Act 1984 (c. 55), paragraph 15(3) of Schedule 15 to the Environmental Protection Act 1990 (c. 43), Schedule 24 to the Environment Act 1995 and paragraph 10 of Schedule 6 to the Building (Scotland) Act 2003 (asp. 8).

(5) Section 65 was amended by paragraph 15(4) of Schedule 15 to the Environmental Protection Act 1990 and Schedule 24 to the Environment Act 1995.

(6) 1974 c. 40.

(7) 1993 c. 43. As amended by the Transport Act 2000 (c. 38) and the Railways Act 2005 (c. 14).

sections, and a document so certified is admissible in any proceedings, as evidence of the contents of the document of which it is a copy.

Commencement Information

I6 Art. 45 in force at 15.12.2014, see [art. 1](#)

Service of notices

46.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978⁽⁸⁾ (references to service by post) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

⁽⁸⁾ 1978 c. 30.

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

Commencement Information

17 Art. 46 in force at 15.12.2014, see [art. 1](#)

No double recovery

47. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Commencement Information

18 Art. 47 in force at 15.12.2014, see [art. 1](#)

Arbitration

48. Any difference under any provision of this Order, unless otherwise provided for, must 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 giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Commencement Information

19 Art. 48 in force at 15.12.2014, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The London Underground (Northern Line Extension) Order 2014, PART 6.