



# London Underground (Jubilee) Act 1993

## 1993 CHAPTER ix

### PART I

#### PRELIMINARY

#### 1 Short title.

This Act may be cited as the London Underground (Jubilee) Act 1993.

#### 2 Interpretation.

- (1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments 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;

“the Act of 1963” means the London Transport Act 1963;

“the Act of 1964” means the London Transport Act 1964;

“the Act of 1965” means the London Transport Act 1965;

“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 1981” means the London Transport Act 1981;

“the Company” means London Underground Limited;

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“the railways board” means the British Railways Board; and

“the works” means the works authorised by Part II (Works, etc.) of this Act.

- (2) Any reference to the London Transport Board or to the London Transport Executive in any of the provisions incorporated with this Act shall be construed as a reference to the Company.

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- (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.
- (5) References in this Act to points identified by letters shall be construed as references to the points so lettered on the deposited plans.

### **3 Incorporation of general enactments.**

- (1) The following enactments, so far as the same are applicable for the purposes of 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 132 of the Lands Clauses Consolidation Act 1845; and
  - (b) the Act of 1845, except sections 7, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 94 and 95 thereof.
- (2) For the purposes of the provisions of the Act of 1845 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 4B 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 III of the New Roads and Street Works Act 1991; 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.**

#### **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—

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- (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;
- (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

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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) 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.

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- (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.
- (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

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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.
- (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.

## **PART III**

### **LANDS**

### **14 Power to acquire lands.**

- (1) The Company 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 works or for any purpose connected with or ancillary to their undertaking.
- (2) Without prejudice to the generality of subsection (1) above, the Company may enter upon, take and use for the purposes specified in column (3) of Schedule 4 to this Act

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all or any of the land referred to in columns (1) and (2) of that Schedule lying within the lines marked “Limit of land to be acquired or used” on the deposited plans.

- (3) The Company shall not under the powers of this Act acquire any surface interest in the land delineated on the deposited plans and thereon numbered 3 in the city of Westminster.
- (4) 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 plans and described in the deposited book of reference as may 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.

## **15 Power to acquire subsoil or new rights only in certain cases.**

- (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 to be created in favour of the Company.
- (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 any of the lands delineated on the deposited plans and described in the deposited book of reference 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 referred to in subsection (2) above, 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.

## **16 Application of Lands Clauses Acts to compulsory purchase of new rights.**

- (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 15 (Power to acquire subsoil or new rights only in certain cases) 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 15 (Power to acquire subsoil or new rights only in certain cases) of this Act—

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- (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 15 (Power to acquire subsoil or new rights only in certain cases).

## **17 Set-off for enhancement in value of retained land.**

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

## **18 Temporary possession of land.**

- (1) This section applies to the land numbered on the deposited plans 14 in the city of Westminster and which is within a line marked “Limit of land to be temporarily used” on the said plans (hereinafter in this section referred to as “the said land”).
- (2) The Company may for the purpose of enabling them to form ventilation openings in the Embankment Wall on the eastern side of Victoria Embankment enter upon and take possession temporarily of the said land after giving the owners, lessees and occupiers thereof not less than one month’s previous notice in writing and may remove any structures thereon and may construct temporary works and structures thereon for such purpose:

Provided that the Company—

- (a) shall not without the agreement of the owners, lessees and occupiers thereof remain in possession of the said land under the powers of this section after a period of five years from the date of entry thereon;
- (b) shall not be empowered to purchase compulsorily or be required to purchase the said land (except such subsoil or new rights as they require under the provisions of section 15 (Power to acquire subsoil or new rights only in certain cases) of this Act).



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- (3) Before relinquishing possession of the said land the Company shall remove all works and structures erected by them on the surface thereof and shall, subject to any agreement to the contrary with the respective owners, lessees or occupiers thereof, reinstate the said land so far as reasonably practicable to its condition immediately before entry thereon by the Company.

## **19 Period for compulsory purchase of lands and new rights.**

The powers of the Company for the compulsory purchase of lands and new rights under this Act shall cease on 31st December 1997.

## **20 Land at Westminster station.**

- (1) In this section—

“the Act of 1992” means the London Underground Act 1992;

“the Corporation” means London Regional Transport;

“the District Line” means the Company’s railway between St. James’s Park and Embankment stations;

“the Jubilee Line” means the railway comprising Work No. 2 authorised by the Act of 1992;

“the site” means the land in the city of Westminster bounded by Victoria Embankment, Bridge Street, Canon Row and Derby Gate; and references to the District Line and the Jubilee Line include references to any works and conveniences connected therewith or with either of them.

- (2) Notwithstanding any restriction on the Corporation’s powers to dispose of land required for the purposes of their undertaking imposed by the London Regional Transport Act 1984 and the duty of the Corporation under section 33 of that Act (which requires control to be exercised over subsidiaries so as to ensure that a subsidiary does not engage in activities in which the Corporation have no power to engage), the Company may dispose of all the Company’s interests in the site, provided the following conditions are fulfilled:—

- (a) the prior consent of the Secretary of State is given to the disposal; and
- (b) the person to whom the disposal is made enters into an agreement to grant to the Company a lease which satisfies the provisions of subsection (4) below and a licence to construct on the site the works authorised by the Act of 1992 and this Act.

- (3) The Secretary of State shall not consent to the disposal referred to in subsection (2) above unless requested to do so by the Company acting pursuant to a request by the Accommodation and Works Committee of the House of Commons and the requests by that Committee and by the Company are made to facilitate the construction on the site of Phase II of the new parliamentary building.

- (4) A lease satisfies the conditions of subsection (2) (b) above if—

- (a) the demise includes so much of the site as the Company consider necessary for the operation of the District Line and the Jubilee Line and the construction of the works authorised by the Act of 1992 and this Act;
- (b) it is for a term of 999 years at a peppercorn rent; and

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- (c) the Corporation and the Company are satisfied that it contains such other terms and conditions as will enable the District Line and the Jubilee Line to be operated efficiently, economically and safely.

## **21 Incorporation of lands provisions.**

- (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);
  - the Act of 1966—
    - section 13 (As to use of streets for permanent openings); and
    - 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**

### **PROTECTIVE PROVISIONS**

## **22 Incorporation of protective provisions.**

- (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 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 paragraph (1) of the said section 42 of the Act of 1963, as so incorporated, shall have effect as if—
- (a) for the definition of the “undertakers” there were substituted the following:—
    - “the undertakers’ means any person authorised to carry on, in the area within which the Company are by this Act authorised to purchase land or execute works, an undertaking for the supply of gas or water or for the generation, transmission or supply of electricity;”;
  - (b) in the definition of “apparatus”—

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- (i) in sub-paragraph (a) thereof for the words “electric lines or works” there were substituted “electric lines or electrical plant” and for the reference to the Electricity (Supply) Acts 1882 to 1936 there were substituted a reference to Part I of the Electricity Act 1989; and
  - (ii) in the words in parenthesis for the reference to the Public Utilities Street Works Act 1950 there were substituted a reference to Part III of the New Roads and Street Works Act 1991.
- (3) The provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—
  - (a) for references to Thames Water Authority there were substituted references to Thames Water Utilities Limited;
  - (b) 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 13 (Incorporation of works provisions) of this Act; and
  - (c) 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.
- (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 references to Work No. 2 of the Act of 1981 there were substituted references to the works; and
  - (c) for the reference to British Telecommunications there were substituted a reference to any public telecommunications operator as defined in section 9 (3) of the Telecommunications Act 1984.

## **23 For protection of British Railways Board.**

For the protection of the railways board the following provisions shall, unless otherwise agreed in writing between the Company and the railways board for the purposes of this section, have effect:—

- (1) In this section—
  - “construction” includes reconstruction and, where the context so admits, maintenance and repair of the specified works;
  - “the engineer” means an engineer to be appointed by the railways board;
  - “plans” includes sections, drawings, particulars and schedules of construction;
  - “railway property” means any railway of the railways board, and any works, apparatus and equipment connected therewith for the maintenance or operation of which the railways board are responsible when the relevant specified works are begun and includes any lands held or used by the railways board for the purposes of such railway or works; and
  - “the specified works” means such works as are carried out for the purposes mentioned in column (3) of Schedule 4 to this Act which are within 15 metres of railway property (measured in any direction) or as may in any way affect railway property:

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- (2) The Company 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, or acquire any new rights in or subsoil of, railway property:

Provided that this paragraph shall not prevent the Company acquiring the interest of any person other than the railways board required for the purposes of this Act:

- (3) The exercise by the Company against the railways board of the powers of—
- (a) section 15 (Power to make trial holes) of the Act of 1963, as incorporated by section 13 (Incorporation of works provisions) of this Act; and
  - (b) section 21 (Power to enter for survey or valuation) of the Act of 1963, as incorporated by section 21 (Incorporation of lands provisions) of this Act;
- shall be confined to lands which the Company are empowered to acquire compulsorily under section 14 (Power to acquire lands) of this Act:
- (4) (a) The Company shall, before commencing the construction of the specified works, furnish to the railways board such proper and sufficient plans thereof as may reasonably be required by the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration as provided in sub-paragraph (b) below;
- (b) The engineer's approval under sub-paragraph (a) above shall not be unreasonably withheld and any question of whether it has shall be settled by arbitration, and in any event if within 56 days after such plans have been furnished to the railways board the engineer has not notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as submitted:
- (5) If within 56 days after such plans have been furnished to the railways board the railways board give notice to the Company that the railways board desire themselves to construct any part of the specified works, which in the opinion of the engineer will or may affect the stability of railway property and the safe operation of the railways of the railways board, then, if the Company desire such part of the specified works to be constructed, the railways board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Company in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (6) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the construction of the specified works to ensure the stability of railway property, the continuation of safe and effective operation of the railways of the railways board, including any relocation of works, apparatus and equipment necessitated by the specified works and the comfort and safety of passengers using either the Waterloo or the London Bridge station of the railways board, and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board with all reasonable dispatch or, if the railways board so desire, such protective works shall be carried out by the Company at their own expense, and the Company shall not commence the construction of the specified works until the engineer has notified the Company that the protective works have been satisfactorily completed:
- (7) The Company shall give to the engineer not less than 56 days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of

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their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with railway property:

- (8) The construction of the specified works and of any protective works carried out by the Company by virtue of the provisions of paragraph (6) above shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage as may be to railway property and as little interference as may be with the conduct of traffic on the railways of the railways board and the use by passengers of railway property and, if any damage to railway property or any such interference is caused by the carrying out of the specified works, the Company shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to the railways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Company with respect to any damage, cost, expense or loss which is attributable to the act, neglect or default of the railways board or their servants or agents:

- (9) Without prejudice to the generality of paragraphs (6) and (8) above the railways board may, in approving the plans of or in supervising the carrying out of the specified works or of any protective works carried out by the Company by virtue of the provisions of paragraph (6) above, impose reasonable conditions with a view to ensuring that—
- (a) nothing shall be done by or on behalf of the Company which impedes the free, uninterrupted and safe flow of passengers to and from the Waterloo or the London Bridge station of the railways board;
  - (b) dust sheets and other works and working methods are used so as to prevent so far as practicable any dust or dirt from the relevant works affecting such passengers; and
  - (c) adequate signing of all alterations of routes for passengers and of any hazards or obstructions to the free movement of passengers is provided:
- (10) The Company shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:
- (11) During the construction of any works by the railways board under this section the railways board shall at all times afford reasonable facilities to the Company and their agents for access to those works, and shall supply the Company with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (12) If any alterations or additions, either permanent or temporary, to railway property are reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, by reason of the construction of the specified works, such alterations and additions may be carried out by the railways board and, if the railways board give to the Company reasonable notice of their intention to carry out such alterations or additions, the Company shall pay to the railways board the reasonable cost thereof including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs

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which may be expected to be reasonably incurred by the railways board in maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that, if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Company to the railways board under this section:

(13) The Company shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—

- (a) in constructing any part of the specified works on behalf of the Company as provided by paragraph (5) above or in constructing any protective works under the provisions of paragraph (6) above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the railways board in maintaining and renewing such works;
- (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
- (c) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed by reason of the construction or failure of the specified works, or from the substitution or diversion of services which may be reasonably necessary for the same reason;
- (d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction or failure of the specified works;
- (e) in respect of the supervision by the engineer of the construction of the specified works:

(14) The Company shall be responsible for, and make good to the railways board, all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the railways board—

- (a) by reason of the construction of the specified works or the failure thereof;
- (b) by reason of any act or omission of the Company or of any person in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;

and the Company shall indemnify the railways board from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done in accordance with the plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was not attributable to the act, neglect or default of the railways board, or of any person in their employ, or of their contractors or agents) excuse the Company from any liability under the provisions of this section:

Provided that the railways board shall give to the Company reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Company:

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- (15) Any difference arising between the Company and the railways board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

## **24 Crown rights.**

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Company to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—
- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or
  - (b) belonging to Her Majesty in right of Her Crown and under the management (pursuant to any statute or otherwise) of the Secretary of State without his consent in writing; or
  - (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.
- (2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

## **25 Rights of corporate officers, etc.**

- (1) In this section “the corporate officers” means the Corporate Officer of the House of Lords and the Corporate Officer of the House of Commons, established by the Parliamentary Corporate Bodies Act 1992.
- (2) Nothing in this Act or the London Underground Act 1992 affects prejudicially any estate, right, power, privilege or exemption of either of the corporate officers.
- (3) In particular, and without prejudice to the generality of subsection (2) above, section 24 (Crown rights) of this Act or section 30 (Crown rights) of the London Underground Act 1992 nothing in this Act or in that Act authorises the Company to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—
- (a) belonging to the corporate officers or either of them; or
  - (b) belonging to Her Majesty in right of Her Crown and under the management (pursuant to any statute or otherwise) of the corporate officers or either of them;
- without the consent in writing of the corporate officers or, as the case may be, the relevant corporate officer.
- (4) A consent under subsection (3) above may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

## **26 For protection of Royal Commission on the Historical Monuments of England.**

For the protection of the Royal Commission on the Historical Monuments of England (hereinafter referred to as “the Commission”) the following provisions shall, unless otherwise agreed in writing between the Company and the Commission, have effect:—

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- (1) In this section “listed building” has the same meaning as in section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990:
- (2) The Company shall give to the Commission not less than 56 days' notice in writing of their intention to commence the alteration or demolition of any listed building under the powers of this Act:
- (3) For a period of not less than 56 days following the giving of notice to the Commission, and before commencing the alteration or demolition of the listed building to which the notice relates, the Company shall, at all reasonable times, afford access to the building to members and officers of the Commission for the purpose of recording it.

## **27 Ecclesiastical property.**

- (1) Where, under any of the provisions of this Act, a notice is required to be served on an owner of land and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (2) Where any ecclesiastical property is to be acquired compulsorily under the powers of this Act and the benefice in question is vacant, then the fee simple of such property shall for the purposes of the acquisition be treated as being vested in the Church Commissioners.
- (3) Any moneys agreed or awarded upon any acquisition under the powers of this Act of ecclesiastical property shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Church Commissioners and shall be applied by them as follows:—
  - (a) in defraying a fair proportion of the costs, charges and expenses incurred by them, the bishop of the diocese in which the property is situated, the Diocesan Board of Finance or an incumbent of an ecclesiastical benefice in opposing the Bill for this Act;
  - (b) in defraying any expenses incurred by any of the persons referred to in paragraph (a) above in relation to any such acquisition by the Company and not reimbursed by the Company;
  - (c) as to any remaining balance and as to both capital and income, for purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or measure authorising such a sale or the disposal of the proceeds of such a sale.
- (4) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice or being or forming part of a church or churchyard subject to the jurisdiction of a bishop of any diocese or the site of such a church or being or forming part of a burial ground subject to such jurisdiction or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976.

## **PART V**

### **MISCELLANEOUS**

## **28 Planning permission.**

- (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



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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 within 10 years of the passing of this Act.
- (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.

## **29 Arbitration.**

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 or 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.

## **30 Costs of Act.**

All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company and may in whole or in part be defrayed out of revenue.