



London Underground (King's Cross) Act 1993

1993 CHAPTER i

PART I

PRELIMINARY

1 Short title

This Act may be cited as the London Underground (King's Cross) 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 1978” means the London Transport Act 1978;

“the Act of 1981” means the London Transport Act 1981;

“the Company” means London Underground Limited;

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

“the railways board” means the British Railways Board;

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

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- (2) Any reference to the London Transport Board or London Transport Executive in any of the provisions incorporated with this Act by section 10 (Incorporation of works provisions), section 18 (Incorporation of lands provisions) and section 19 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Company.
- (3) All distances, lengths and directions stated in any description of works, powers or lands, shall be construed as if the words “or thereabouts” were inserted after each such distance, length and direction.
- (4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

3 Incorporation of general enactments

- (1) The following enactments, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—
 - (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845; and
 - (b) the Act of 1845, except sections 7 to 9, 11 to 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) the works shall be deemed to be railways authorised by the special Act.
- (3) Sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Company and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—
 - (a) Part II of the Public Utilities Street Works Act 1950; or
 - (b) section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

PART II

WORKS, ETC.

4 Power to make works

Subject to the provisions of this Act, 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 the works described in Schedule 1 to this Act with all necessary works and conveniences connected therewith.

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5 Power to open surface of streets

The Company may, during and for the purposes of the execution of the works enter upon, open, break up and interfere with so much of the surface of any of the streets named in column (2) of Schedule 2 to this Act as lies within the limit of deviation.

6 Temporary stoppage of street

- (1) The Company may, during and for the purposes of the execution of the works, temporarily stop up and interfere with so much of Belgrove Street in the London borough of Camden as lies between the points “A”, “B”, “C” and “D” shown on the deposited plans and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land, house or building abutting on any part of the street so stopped up and interfered with from passing along and using the same.
- (2) The Company shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

7 Temporary stoppage of footway

The Company may, during and for the purposes of the execution of Work No. 7, temporarily stop up and interfere with the footway in Euston Road numbered on the deposited plan 1A in the London borough of Camden and lying between the points marked “E”, “F”, “G” and “H” on that plan and may for any reasonable time prevent all persons from passing along and using the said footway.

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 works under the powers of this Act, the Company shall (except in case of emergency) give 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 Power to deviate

In the execution of the works the Company may deviate from the lines or situations 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 sections to any extent upwards or downwards as may be found necessary or convenient.

10 Incorporation of works provisions

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

- The Act of 1963—
section 15 (Power to make trial holes):
- The Act of 1965—

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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).

PART III

LANDS

11 Power to acquire lands

- (1) The Company may enter upon, take and use so much 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) For the purpose of constructing the works 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 shall be necessary for the purposes mentioned in subsection (1) above without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

12 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 not in existence at the passing of this Act.
- (2) Notwithstanding anything in this Act, the Company may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such new rights as they may require in, under or over any of the lands described in Schedule 3 to this Act without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such entry, taking and using.
- (3)
 - (a) If, in any case where the Company enter upon, take and use the subsoil and under-surface of, or acquire a new right in or under, any of the said lands they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.
 - (b) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Company under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

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

- (1) In this section—

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“the specified lands” means the lands referred to in Schedule 4 to this Act; and

“the level of the surface of the specified lands” means the ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building.

- (2) (a) Notwithstanding the provisions of subsection (1) of section 11 (Power to acquire lands) of this Act, the Company shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) below.
- (b) The Company may, within the limits of lateral deviation prescribed by this Act in respect of the works, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purposes of constructing, maintaining, protecting, renewing and using the works and any necessary works and conveniences connected therewith, or compulsorily purchase such new rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such entry, taking and using.
- (c) For the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 9 metres of the level of the surface of the specified lands.

14 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 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land in, under or over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (2) Without prejudice to the generality of subsection (1) above in relation to the purchase of new rights in pursuance of section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act—
- (a) the Lands Clauses Consolidation Act 1845 shall, subject to the provisions of subsection (3) below, have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976 and as if for the word “over” wherever it occurs in paragraph 1 of that Schedule, there were substituted the words “in, under or over”;
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.
- (3) Notwithstanding anything in this section, section 92 of the Lands Clauses Consolidation Act 1845 shall not apply to any compulsory acquisition or purchase by the Company under section 12 (Power to acquire subsoil or new rights only in certain cases) or section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act.

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15 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 Company for the purposes of the works.
- (2) In assessing the compensation payable to any person on the acquisition by the Company from him of any relevant land, the Lands Tribunal shall—
 - (a) have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by the works; and
 - (b) set off against the value of the relevant land any increase in the value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of the works.
- (3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

16 Temporary possession of land

- (1) In this section “the said lands” means the lands in the London borough of Camden specified in Schedule 5 to this Act, delineated on the deposited plans and marked “Limit of Land to be Temporarily Used” and “Limit of Temporary Working Site”.
- (2) The Company may, for the purpose of enabling the Company to construct the works, enter upon and take possession temporarily of the said lands after giving to the owners, lessees and occupiers thereof not less than 28 days' previous notice in writing and may remove any structures or apparatus therefrom and may construct temporary works and structures thereon or may use any existing apparatus on the said lands for such purpose as aforesaid.
- (3) The Company—
 - (a) shall not without the agreement of the owners, lessees and occupiers thereof remain in possession of the said lands 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 lands (except such subsoil or new rights as they require under the provisions of section 12 (Power to acquire subsoil or new rights only in certain cases) of this Act).
- (4) Before relinquishing possession of the said lands 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 lands so far as reasonably practicable to the condition in which they were immediately before entry thereon by the Company.

17 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 at the end of the period of five years commencing on the date of the passing of this Act.

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18 Incorporation of lands provisions

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

The Act of 1963—

section 21 (Power 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 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

GENERAL

19 Incorporation of protective provisions

- (1) The following provisions of the undermentioned Acts are, with the 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 the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

- (a) for references to the 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 10 (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.

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- (3) The provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if—
- (a) paragraph (2) of that section were omitted;
 - (b) for reference to Work No. 2 of the Act of 1981 there were substituted reference to the works; and
 - (c) for any reference to British Telecommunications there were substituted a reference to a public telecommunications operator as defined in section 9 (3) of the Telecommunications Act 1984.

20 For protection of British Railways Board

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

- (1) In this section—
- “construction” includes execution, placing and altering and “construct” and “constructed” shall be construed accordingly;
- “designated property” means any railways of the railways board and any works connected therewith for the maintenance or operation of which the railways board are responsible and includes any lands, premises, arches, cellars or vaults held or used by the railways board for the purposes of such railways or works;
- “the engineer” means an engineer to be appointed by the railways board;
- “plans” includes sections, drawings and particulars and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this section; and
- “the specified works” means so much of the Company’s works as may be situated within 15 metres of, or may in any way affect, designated property and includes the construction, reconstruction and maintenance of those works:
- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Company shall not purchase compulsorily any designated property but they may purchase such easements or other rights in, under or over designated property in accordance with the provisions of section 12 (Power to acquire subsoil or new rights only in certain cases) or section 13 (Subsoil or new rights only to be acquired under certain lands) of this Act as they may reasonably require for the purpose of the specified works:
- (3) The Company shall, before commencing the specified works, furnish to the railways board proper and sufficient plans thereof for the approval of the engineer, whose approval shall not be unreasonably withheld, and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:
- Provided that, if within 56 days after such plans have been furnished to the railways board the engineer has not intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same.
- (4) 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 designated property or the safe operation of the railways

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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 approved plans:

- (5) 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 specified works to ensure the safety or stability of designated property and such protective works as may be reasonably necessary for those purposes shall be constructed with all reasonable dispatch 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 completed:
- (6) The railways board shall give to the engineer not less than 28 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 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 designated property:
- (7) The specified works shall when commenced be carried out—
 - (a) with all reasonable dispatch in accordance with approved plans;
 - (b) under the supervision (if given) and to the reasonable satisfaction of the engineer; and
 - (c) in such manner as to cause—
 - (i) as little damage to designated property as may be; and
 - (ii) as little interference as may be with the conduct of traffic on any railway of the railways board and the use by passengers of designated property;and, if any damage to designated 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 on demand 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, costs, expenses or loss which is attributable to the act, neglect or default of the railways board or their servants, contractors or agents:
- (8) 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:
- (9) The railways board shall at all times afford reasonable facilities to the Company and their agents for access to any works carried out by the railways board under this section during their construction and shall supply the Company with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to designated property are reasonably necessary during the construction of the specified works or during a

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period of 12 months after the completion thereof in consequence of the construction of the specified works, such alterations and additions may be effected by the railways board after not less than 28 days' notice in writing has been given to the Company and the Company shall pay to the railways board on demand the cost thereof as certified by the engineer:

- (11) 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 (4) above or in constructing any protective works under the provisions of paragraph (5) above;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, watching, lighting and signalling any railway of the railways board and for preventing as 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 and which may be due to the construction or failure of the specified works or from the substitution, suspension or diversion of railway services of the railways board which may be necessary for the same reason;
 - (d) in respect of any additional temporary lighting of designated property in the vicinity of the specified works, being lighting made reasonably necessary during and by reason of the construction or failure of the specified works; and
 - (e) in respect of the supervision by the engineer of the specified works:
- (12) 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 specified works or the failure thereof; and
 - (b) by reason of any act or omission of the Company or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the specified works;

and the Company shall effectively indemnify and hold harmless 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 by the railways board on behalf of the Company, or in accordance with approved plans, or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the railways board or of any person in their employ or of their contractors or agents whilst engaged upon the construction of the specified works) 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 prior consent of the Company:

- (13) Any differences between the railways board and the Company under this section shall be referred to and settled by arbitration.

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21 For protection of highway authorities

For the protection of highway authorities the following provisions, shall, unless otherwise agreed in writing between the Company and the relevant highway authority, have effect:—

- (1) In this section—
 - “highway authority” means—
 - (a) the Secretary of State as the highway authority for the A.501 and A.41 trunk roads in relation to those roads; and
 - (b) the council of the London borough of Camden in whose area specified works are to be constructed in relation to other highways in that area;
 - “highway” means any highway vested in or repairable or maintainable by a highway authority;
 - “specified works” means so much of the works as may in any way affect any highway:
- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Company shall not purchase compulsorily any estate or interest in land vested in the highway authority for highway purposes but they may purchase such easements or other rights in land of the highway authority in accordance with the provisions of section 12 (Power to acquire subsoil or new rights only in certain cases) of this Act as they may reasonably require for the purposes of the specified works:
- (3) The Company shall give to the highway authority not less than 28 days' notice in writing of their intention permanently to stop up and discontinue any highway under the powers of this Act:
- (4) The Company shall not exercise the powers of section 10 (Underpinning of houses near works) of the Act of 1965, as incorporated with this Act, so as to interfere with any highway except with the consent of the highway authority, which consent shall not be unreasonably withheld or delayed:
- (5) Before commencing the construction of any of the specified works, the Company shall submit plans, sections and particulars relating thereto to the highway authority for their approval, which shall not be unreasonably withheld, and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which those plans, sections and particulars relate shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the highway authority as aforesaid, or, if such approval be refused, as may be settled by arbitration:

Provided that, if within 56 days after the submission to them of plans, sections and particulars in accordance with the provisions of this sub-paragraph the highway authority do not signify their approval or disapproval thereof and the grounds for such disapproval, they shall be deemed to have approved thereof:
- (6) (a) Before commencing to construct any part of the specified works which will involve interference with a highway the Company shall consult the highway authority as to—
 - (i) when that part shall be commenced;
 - (ii) the extent of the surface of the highway which it may be reasonably necessary for the Company to occupy in the construction of that part; and

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- (iii) the conditions under which that part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public;
- and such part shall not be constructed and the surface of the highway shall not be occupied by the Company except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Company and the highway authority or, in default of agreement, as may be settled by arbitration;
- (b) Any such highway shall be reinstated by the Company in a manner approved by the highway authority, which approval shall not be unreasonably withheld, and to their reasonable satisfaction:
- (7) Any part of the construction of the specified works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the highway authority:
- (8) The Company shall, at all reasonable times during the construction of any part of the specified works, afford to the engineer of the highway authority or his duly authorised representatives access to that part of the specified works for the purposes of inspection:
- (9) The Company shall keep the highway authority indemnified against all actions, costs, claims and demands whatsoever brought or made against the highway authority by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans, sections and particulars approved by the highway authority or in accordance with any requirement of the highway authority or under their supervision shall not (if it was done without negligence on the part of the highway authority) excuse the Company from liability under the provisions of this paragraph:
- Provided that the highway authority 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:
- (10) The Company shall repay to the highway authority all costs, charges and expenses reasonably incurred by the highway authority for the examination of the plans, sections and particulars submitted to the highway authority under this section in relation to any of the specified works:
- (11) Any differences arising between the Company and the highway authority under this section shall be referred to and settled by arbitration.

22 Planning permission

- (1) In this section “Part 11 development” means development authorised 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 2001.

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- (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.

23 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.

24 Costs of Act

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 Company and may in whole or in part be defrayed out of revenue.