

*These notes refer to the Crossrail Act 2008 (c.18)
which received Royal Assent on 22 July 2008*

CROSSRAIL ACT 2008

EXPLANATORY NOTES

OVERVIEW OF THE STRUCTURE

6. The Act comprises 58 sections and 17 Schedules. The main provisions of the Act provide for:
 - the authorisation of works necessary to build Crossrail and associated works. These powers are vested in “the nominated undertaker” and the Act gives the Secretary of State the ability to nominate that undertaker. The Department for Transport is currently being assisted in taking the project forward by Cross London Rail Links Limited (CLRL) – a Department for Transport/Transport for London joint venture company. Binding agreements setting out the final form of project delivery including the letting and management of major construction contracts were being negotiated at the time of Royal Assent to the Act, and so flexibility in respect of project control is contained in the Act. However, a non-binding Heads of Terms agreement between the Secretary of State for Transport and Transport for London concerning the project was made available to Parliament and to the public generally during the passage of the Bill (see www.dft.gov.uk/pgf/rail/pi/crossrail/crossrailheadsofterms);
 - the acquisition of land and interests in land necessary for those works. The powers of compulsory purchase provided by the Act are vested in the Secretary of State but could also be transferred to the Greater London Authority or Transport for London, again to provide flexibility in implementation. The compulsory purchase powers in the Act expire five years after Royal Assent, though they could be extended;
 - the establishment of a planning and heritage regime for the works. The former seeks to give local planning authorities and the various statutory bodies an appropriate degree of control over the planning aspects of the project (and is augmented by other arrangements, such as a Planning Memorandum and a Construction Code of Practice, designed to sit alongside the legislative provisions). Heritage issues are also the subject of separate agreements with English Heritage and local authorities;
 - the application of existing railway and other miscellaneous legislation to Crossrail. This includes provision for two new duties for the Office of Rail Regulation which are relevant in respect of Crossrail and its interface with the existing network;
 - the transfer by a scheme of property, rights and liabilities from CLRL or the Secretary of State, or their wholly-owned subsidiaries, or, with their consent, the Greater London Authority, Transport for London, the London Development Agency or any of their subsidiaries, that may be necessary to ensure that the nominated undertaker is capable of delivering the project; and
 - the devolution of control of the Crossrail project to the Greater London Authority or Transport for London (or a combination of the two).
7. A copy of the 1996 Act can be found at <http://www.opsi.gov.uk/ACTS/acts1996/1996061.htm>.