

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

CROSSRAIL ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SCHEDULES

Schedule 14 - Disapplication and modification of miscellaneous controls

316. *Schedule 14* disappplies or modifies a number of provisions in existing legislation where these are contradictory to the exercise of the powers sought for Crossrail or which require adjustment in consequence of land acquisition powers being vested in the Secretary of State and the power to carry out works being vested in the nominated undertaker.
317. *Paragraph 1* provides that no obligation or restriction imposed under ecclesiastical law or in relation to consecrated land shall impose any restriction on the powers conferred by the Act .
318. *Paragraph 2* disappplies the London Overground Wires etc Act 1933 and any bye-law made under it, in respect of any wire or part of a wire erected or maintained as part of the Crossrail works.
319. *Paragraph 3* essentially disappplies sections 3 and 9 of the London Squares Preservation Act 1931 in respect of the Crossrail works. Works are to be carried out under, and use is to be made of, Hanover Square and Finsbury Circus, and this requires disapplications of relevant restrictions in the 1931 Act.
320. *Paragraph 4* disappplies parts of the London Buildings Acts (Amendment) Act 1939 with respect to anything held in connection with Crossrail by the Secretary of State or the nominated undertaker. The 1939 Act contains an exemption for certain buildings or structures belonging to a railway company and situated on a railway or within a railway or station premises. As land acquisition powers in the Act are vested in the Secretary of State, this disapplication is required so that a similar exemption applies to Crossrail.
321. *Paragraph 5* disappplies section 34(1) of the Coast Protection Act 1949 in respect of Crossrail works, as it would require the prior consent of the Secretary of State to be obtained before the carrying out of any works affecting navigable waters (which includes the River Thames).
322. *Paragraph 6* modifies the application of various provisions of the Port of London Act 1968 in respect of the Crossrail works. These provisions would require licences to be obtained before certain works may be carried out and would preclude the carrying out of dredging operations or certain other operations affecting the bed or bank of the River Thames. The Port of London Authority will benefit from protective provisions set out in Part 6 of Schedule 17.
323. *Paragraph 7* modifies the application of various pieces of highways legislation that would require consent to be obtained before certain works (such as erecting scaffolding, the planting of trees or shrub in or near a highway, or the placing of a retaining wall near a highway etc) can be carried out.

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324. *Paragraph 8* disapplies Part 1 of the Building Act 1984 with respect to building regulations, and building regulations in relation to certain buildings held in connection with Crossrail by the Secretary of State or the nominated undertaker. The 1984 Act contains an exemption for buildings belonging to a statutory undertaker. As land acquisition powers in the Act are vested in the Secretary of State, this disapplication is required so that a similar exemption applies in relation to Crossrail.
325. *Paragraph 9* disapplies section 5 of the Food and Environment Protection Act 1985 in respect of Crossrail works. That section would require a licence to be obtained from the Secretary of State before certain deposits in the sea (which includes the River Thames) are made.
326. *Paragraphs 10 to 12* modify the application of the London Lorry Ban Order (“the Order”) in respect of Crossrail works. Given that the routing of large goods vehicles is intended to be one of the areas of control that qualifying planning authorities will have under the planning regime established under the Act, paragraphs 10 to 12 restrict the right to refuse or condition a permit under the Order, with disputes to be settled by the Secretary of State. They also make provision for the grant of emergency permits, in the case where a permit is required within eight working days of application.
327. *Paragraph 13* disapplies various provisions of the Greater London Council (General Powers) Act 1986 concerning the doing of things under a street in respect of the Crossrail works. This is because the 1986 Act would otherwise require the consent of the relevant London borough to the demolition of a building or other structure under a street, and to other associated works.
328. *Paragraph 14* modifies the application of the New Roads and Street Works Act 1991 to the Crossrail works, as the 1991 Act contains a number of provisions which would otherwise restrict the ability of the nominated undertaker to carry out works in the street.
329. *Paragraph 15* disapplies the requirement to obtain an abstraction licence under the Water Resources Act 1991 in relation to the abstraction of water in connection with the construction of Crossrail. Part 3 of Schedule 17 provides alternative protection under the supervision of the Environment Agency.
330. *Paragraph 16* applies the national rules rather than Greater London rules to the making of connections to public sewers for the drainage of Crossrail.
331. *Paragraph 17* disapplies various provisions of the Party Wall etc Act 1996 in respect of the Crossrail works. This removes the need for the nominated undertaker to issue a notice to an adjoining landowner before constructing certain walls and fences, or to secure the consent of that landowner before carrying out any excavation or erection, and ensures that an adjoining landowner has no right over any Crossrail works.