

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)

VALID FROM 05/03/2009

SCHEDULES

SCHEDULE 14

Section 40

DISAPPLICATION AND MODIFICATION OF MISCELLANEOUS CONTROLS

Ecclesiastical law

- 1 (1) No obligation or restriction imposed under ecclesiastical law or otherwise in relation to consecrated land shall have effect to prohibit, restrict or impose any condition on the exercise of the powers conferred by this Act with respect to works.
- (2) Sub-paragraph (1) shall not apply in relation to the use of land comprised in a burial ground for the purpose of constructing any of the works authorised by this Act.

Overground wires

- 2 Nothing in the London Overground Wires &c. Act 1933 (c. xliv), or in any bye-law made under that Act, shall extend or apply to any wires or part of a wire erected or placed, proposed to be erected or placed, or for the time being maintained, by the nominated undertaker in exercise of the powers conferred by this Act.

London Squares Preservation Act 1931

- 3 (1) Nothing in section 3 of the London Squares Preservation Act 1931 (c. xciii) (protection of squares) shall have effect in relation to anything done for the purposes of or in connection with the exercise of any of the powers conferred by this Act with respect to works.
- (2) Nothing in any agreement under section 9 of that Act (agreements between local authority and owner of a protected square) shall have effect to prohibit, restrict or impose any condition on the exercise of the powers conferred by this Act with respect to works.

London Building Acts (Amendment) Act 1939

- 4 (1) The following provisions of the London Building Acts (Amendment) Act 1939 (c. xcvi) shall not apply to anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act—
- (a) Part 3 (construction of buildings and structures generally),
 - (b) Part 4 (construction of special and temporary buildings and structures), and
 - (c) Part 5 (means of escape in case of fire).

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)

- (2) Sub-paragraph (1) shall not apply in relation to a building which is a house or a hotel or which is used as offices or showrooms and does not form part of a railway station.

Coast works

- 5 Section 34(1) of the Coast Protection Act 1949 (c. 74) (consent of Secretary of State required for works detrimental to navigation) shall not apply in relation to anything done within the limits of deviation for the scheduled works in exercise of the powers conferred by this Act in relation to those works, or any work in connection with them.

Port of London Act 1968

- 6 The following provisions of the Port of London Act 1968 (c. xxxii) shall not apply in relation to anything done for the purposes of or in connection with the exercise of any of the powers conferred by this Act with respect to works—
- (a) section 70 (prohibition of various activities in relation to works without a licence under section 66 of that Act), and
 - (b) section 73(3) (prohibition of dredging etc. of Thames without a licence).

Highways, etc.

- 7 (1) The following enactments (which control obstructions of the highway in connection with works relating to buildings) shall not apply to anything erected, placed or retained in, upon or over a highway for the purposes of or in connection with the exercise of any of the powers conferred by this Act with respect to works—
- (a) section 15(1) of the Greater London Council (General Powers) Act 1970 (c. lxxvi), and
 - (b) section 169(1) of the Highways Act 1980 (c. 66).
- (2) Section 141 of the Highways Act 1980 (restriction on planting trees or shrubs in or near carriageway) shall not apply to any tree or shrub planted for the purposes of or in connection with the exercise of any of the powers conferred by this Act with respect to works.
- (3) Section 167 of the Highways Act 1980 (powers relating to retaining walls near streets) shall not apply to any length of a retaining wall erected on land held by the Secretary of State or nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (4) Nothing in section 8(2) to (5) of the Greater London Council (General Powers) Act 1986 (c. iv) (power of borough councils in relation to retaining walls supporting the carriageway or footway of certain highways) shall apply with respect to any retaining wall erected in exercise of the powers conferred by this Act.

Building regulations

- 8 (1) Nothing in Part 1 of the Building Act 1984 (c. 55) with respect to building regulations, and nothing in any building regulations, shall apply in relation to a building held by the Secretary of State or the nominated undertaker and used, or

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)

intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.

- (2) Sub-paragraph (1) shall not apply in relation to a building which is a house or a hotel or which is used as offices or showrooms and does not form part of a railway station.
- (3) Any building to which sub-paragraph (2) applies shall be disregarded for the purposes of section 4(1)(b) of the Building Act 1984 (c. 55) (exception for certain buildings belonging to statutory undertakers).

Deposits in the sea

- 9 (1) Section 5 of the Food and Environment Protection Act 1985 (c. 48) (requirement for licences for deposit of substances and articles in the sea etc.) shall not apply to the deposit of substances and articles within the limits of deviation for Work No. 1/4A, 1/4B, 1/6A, 1/6B, 1/29, 1/38A or 1/38B in exercise of the powers conferred by this Act in relation to that work, or any work in connection with it.
- (2) In the case of substances and articles which have been excavated or dredged, sub-paragraph (1) shall only apply to deposit in the course of use as a construction material.

London lorries: general

- 10 (1) This paragraph applies where an application for the issue of a permit under the London Lorry Ban Order is made under paragraph 11 or is otherwise expressed to be made in connection with the carrying out of authorised works.
- (2) The application shall be granted if the issue of a permit is reasonably required—
 - (a) for the purpose of enabling authorised works to be carried out in a timely and efficient manner, or
 - (b) for the purpose of enabling authorised works to be carried out in accordance with approved arrangements.
- (3) If the application is granted, no condition may be imposed which is likely to obstruct the carrying out of authorised works—
 - (a) in a timely and efficient manner, or
 - (b) in accordance with approved arrangements.
- (4) If the applicant is aggrieved by a decision under sub-paragraph (2) or (3), he may appeal to the Secretary of State by giving notice in writing of the appeal to him, and to the authority whose decision is appealed against, within 28 days of notification of the decision.
- (5) On an appeal under sub-paragraph (4), the Secretary of State may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against.
- (6) If on an appeal under sub-paragraph (4) against a decision under sub-paragraph (3) the Secretary of State varies the decision, the variation shall have effect from and including the date on which the appeal was constituted or such later date as the Secretary of State may specify.
- (7) The applicant may not challenge a decision under sub-paragraph (3) otherwise than by an appeal under sub-paragraph (4).

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)

- (8) In this paragraph—
 “approved arrangements” means arrangements approved for the purposes of—
 (a) paragraph 7 of Schedule 7, so far as relating to item 1 in the table in that paragraph, or
 (b) paragraph 24 of that Schedule;
 “authorised works” means works authorised by this Act;
 “the London Lorry Ban Order” means the Greater London (Restriction of Goods Vehicles) Traffic Order 1985.
- London lorries: emergency permit*
- 11 (1) This paragraph applies where a person proposes to undertake a journey before the end of the next complete eight working days, being a journey—
 (a) proposed to be undertaken in connection with the carrying out of authorised works, and
 (b) for which a permit under the London Lorry Ban Order will be required.
- (2) The person may apply for a permit under the Order for the journey by giving the details mentioned in sub-paragraph (3) to the authority concerned by telephone or by means of facsimile transmission.
- (3) The details referred to above are—
 (a) the identity of the applicant,
 (b) a number on which he can be contacted by telephone or by means of facsimile transmission,
 (c) the registration number of the vehicle to which the application relates,
 (d) the authorised works in connection with which the journey is to be undertaken,
 (e) whether any approved arrangements are relevant to the application and, if so, what they are,
 (f) the date when the journey is proposed to be undertaken, and
 (g) if it is proposed to stop anywhere in Greater London for the purpose of making a delivery or collection, the place or places at which, and the time or times when, it is proposed to stop for that purpose.
- (4) In this paragraph—
 “approved arrangements”, “authorised works” and “the London Lorry Ban Order” have the same meanings as in paragraph 10;
 “working day” means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).
- 12 (1) An authority responsible for dealing with applications for permits under the London Lorry Ban Order shall make arrangements enabling applications under paragraph 11 to be made at any time.
- (2) Once an application for a permit has been made under paragraph 11, then, for the purpose of any relevant journey, the application shall be treated as granted subject to such conditions as the Secretary of State may by order specify for the purposes of this provision.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)

- (3) A journey is a relevant journey for the purposes of sub-paragraph (2) if it is begun before the authority to which the application is made has communicated its decision on the application to the applicant by telephone or by means of facsimile transmission.
- (4) The power to make an order under sub-paragraph (2) includes—
 - (a) power to make different provision for different cases, and
 - (b) power to make an order varying or revoking any order previously made under that provision.
- (5) In this paragraph, “the London Lorry Ban Order” has the same meaning as in paragraph 10.

Works under streets in Greater London

- 13 The following provisions of the Greater London Council (General Powers) Act 1986 (c. iv)—
- (a) section 5(1) (consent of borough council required for demolition of works under a street),
 - (b) section 6(1) (consent of borough council required for works preventing access to premises under a street), and
 - (c) section 7(1) (consent of borough council required for infilling in premises under a street),
- shall not apply to anything done in exercise of the powers conferred by this Act with respect to works.

New Roads and Street Works Act 1991

- 14
- (1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (c. 22) (powers to give directions as to the timing of proposed and subsisting street works) shall not apply in relation to works proposed to be, or being, carried out under the powers conferred by this Act.
 - (2) Section 56A of that Act (power to give directions as to placing of apparatus) shall not apply in relation to the placing of apparatus in exercise of any of the powers conferred by this Act.
 - (3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works in the twelve months following completion of substantial road works) shall have effect in relation to works carried out under the powers conferred by this Act.
 - (4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) shall not apply to the placing of apparatus in exercise of any of the powers conferred by this Act.
 - (5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) shall not apply in relation to apparatus placed in exercise of the powers conferred by this Act.
 - (6) Section 62(4) of that Act (power when designation as protected street commences or ceases to give directions with respect to works in progress) shall not apply in relation to works being carried out under the powers conferred by this Act.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)

- (7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) shall not apply in relation to works to be executed under the powers conferred by this Act.
- (8) The power conferred by section 73A(1) of that Act (power to require undertaker to re-surface street) may not be exercised in relation to an undertaker who is within subsection (2) of that section because of—
- (a) having given a notice in respect of works proposed to be carried out under the powers conferred by this Act, or
 - (b) executing, or having executed, works under those powers.
- (9) No contribution shall be payable under section 78A(1)(b) of that Act (contributions by other undertakers to costs incurred in executing works specified in a re-surfacing notice) because of the execution of works under the powers conferred by this Act.
- (10) Schedule 3A to that Act (restriction on works following substantial street works) shall not apply where a notice under section 54 (advance notice of certain works) or 55 (notice of starting date of works) of that Act is in respect of works to be executed under the powers conferred by this Act.
- (11) No notice under paragraph 2(1)(d) of that Schedule (power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) shall have effect to require the notification of works proposed to be carried out under the powers conferred by this Act.
- (12) No directions under paragraph 3 of that Schedule (directions as to the date on which undertakers may begin to execute proposed works) may be issued to the nominated undertaker.
- (13) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of certain other street works) shall not apply in relation to the execution of works under the powers conferred by this Act.
- (14) Paragraph 5(1) of that Schedule (effect of direction under paragraph 4 restricting further works) shall not apply in relation to the execution of works under the powers conferred by this Act.

Water abstraction

- 15 (1) The restriction imposed by section 24(1) of the Water Resources Act 1991 (c. 57) (restriction on abstraction of water) shall not apply in relation to the abstraction of water for the purposes of, or in connection with, the construction of the works authorised by this Act.
- (2) In this paragraph, “abstraction” has the same meaning as in the Water Resources Act 1991.

Communication with public sewers in London

- 16 Section 106(8) of the Water Industry Act 1991 (c. 56) (which qualifies the general right to communicate with the public sewers of a sewerage undertaker)

Status: Point in time view as at 22/07/2008.

Changes to legislation: *There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14. (See end of Document for details)*

shall not apply where the proposed communication involves a drain or sewer serving Crossrail.

Party Wall etc. Act 1996

- 17 (1) No notice under section 1(2) or (5) of the Party Wall etc. Act 1996 (c. 40) (notice before building on line of junction with adjoining land) shall be required before the building of any wall in exercise of the powers conferred by this Act.
- (2) Sections 1(6) and 2 of the Party Wall etc. Act 1996 (rights of adjoining owners) shall not have effect to confer rights in relation to—
- (a) anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
 - (b) land on which there is any such thing.
- (3) Section 6 of the Party Wall etc. Act 1996 (underpinning of adjoining buildings) shall not apply in relation to a proposal to excavate, or excavate for and erect anything, in exercise of the powers conferred by this Act.

Status:

Point in time view as at 22/07/2008.

Changes to legislation:

There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 14.