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STATUTORY INSTRUMENTS

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**1989 No. 335**

**LONDON GOVERNMENT**

**The London Government Reorganisation  
(Pipe Subways) Order 1989**

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|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>6th March 1989</i>  |
| <i>Laid before Parliament</i> |         | <i>10th March 1989</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 1989</i>  |

Whereas the London Residuary Body, acting pursuant to section 67(2) of the Local Government Act 1985(1) (“the Act”) has submitted proposals to the Secretary of State for the transfer of certain property:

And whereas the Secretary of State has decided to give effect to those proposals:

Now therefore, the Secretary of State, in exercise of the powers conferred on him by sections 67(3), 100 and 101 of the Act, and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the London Government Reorganisation (Pipe Subways) Order 1989 and shall come into force on 1st April 1989.

(2) In this Order—

“the 1893 Act” means the London County Council (Subways) Act 1893(2);

“pipe” and “wire” have the same meaning as in section 2 of the 1893 Act;

“subway” means an arched passage or covered way under the surface of a street which passage or way is adapted for the reception of, and affording convenient access to, pipes and wires therein; and references in the Schedule hereto—

(i) to numbered subways are references to the subways which were known to the Greater London Council by the relevant number and are situated under the street or streets mentioned in relation thereto;

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(1) 1985 c. 51.

(2) 1893 c.cci (56 & 57 Vict.); sections 16, 18 and 26 were repealed by the Local Law (Greater London Council and Inner London Boroughs) Order 1965 (S.I.1965/540), article 5 and Schedule 3. References in the 1893 Act to the London County Council were replaced by references to the Greater London Council; S.I. 1965/540, article 4.

- (ii) to a part of a numbered subway are references to the part within the area of the authority mentioned in relation thereto in the first column of the Schedule; and

“the transfer date” means 1st April 1989.

### **Transfer of pipe subways etc.**

2.—(1) On the transfer date there shall vest in each authority mentioned in the Schedule to this Order all interests of the London Residuary Body in the subway or part of a subway so mentioned in relation to that authority.

(2) On the transfer date the rights and liabilities of the London Residuary Body in respect of any interest transferred by paragraph (1) shall vest in the authority to whom that interest is so transferred.

### **Functions in relation to pipe subways**

3.—(1) Without prejudice to any other functions vested in them, an authority may exercise in relation to any interest vested in them by this Order any function that was exercisable immediately before 1st April 1986 by the Greater London Council in relation to that interest.

(2) Without prejudice to paragraph (1), the functions exercisable by an authority under that paragraph include those conferred by—

- (a) the 1893 Act; and
- (b) section 27 of the London County Council (General Powers) Act 1958<sup>(3)</sup> (charges in respect of subways);

and accordingly the said Act and the said section 27 shall have effect as if there were substituted for the definition of “the Council” in section 2 of the Act the following definition—

““the Council” means, as appropriate, any authority in whom a subway or part of a subway is vested by the London Government Reorganisation (Pipe Subways) Order 1989 or the authority in whom the relevant subway or part is vested;”.

(3) An authority shall give at least 14 days' notice in writing of their intention to do any work in the discharge of the duty mentioned in section 7 of the 1893 Act to any other authority in whom an interest in an adjoining length of the same subway is vested.

### **Continuity of byelaws**

4. Any byelaws made or having effect as if made by the Greater London Council under section 10 of the 1893 Act and in force immediately before 1st April 1986 in the area of an authority mentioned in the Schedule to this Order shall have effect on and after the transfer date as if made by the authority for the area in question; and references in such byelaws to any council shall, where appropriate, be construed as references to that authority.

### **Continuity of exercise of functions**

5. Anything done by or in relation to, or having effect as if done by or in relation to, the Greater London Council (otherwise than under section 10 of the 1893 Act) in the exercise of or in connection with a function which, by virtue of article 3, becomes the function of another authority shall have effect on and after the transfer date as if done by or in relation to that authority.

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(3) 1958 c.xxi (6 & 7 Eliz. 2); section 27(5) was substituted by section 4 of the [Greater London Council \(General Powers\) \(No. 2\) Act 1978 \(c.xvi\)](#).

6th March 1989

*Nicholas Ridley*  
Secretary of State for the Environment

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 2

## TRANSFER OF PIPE SUBWAYS

| Transferee Authority                               | Number & General Location of Subway |                                       |
|--|-------------------------------------|---------------------------------------|
| The Common Council of the City of London           | No. 5 (part)                        | Middlesex Street                      |
|  | No. 6                               | Queen Victoria Street                 |
|  | No. 7                               | Queen Victoria Street                 |
|  | No. 8 (part)                        | Victoria Embankment                   |
| The Council of the London Borough of Camden        | No. 14 (part)                       | Kingsway                              |
|  | No. 15 (part)                       | Kingsway                              |
|  | No. 16                              | Southampton Row                       |
|  | No. 17                              | Southampton Row                       |
|  | No. 18 (part)                       | Rosebery Avenue                       |
|  | No. 21 (part)                       | Charing Cross Road                    |
|  | No. 22 (part)                       | Shaftesbury Avenue                    |
| The Council of the London Borough of Islington     | No. 18 (part)                       | Rosebery Avenue                       |
| The Council of the London Borough of Southwark     | No. 2                               | Southwark Street                      |
|  | No. 3                               | Tower Bridge Road                     |
| The Council of the London Borough of Tower Hamlets | No. 4                               | Commercial Road                       |
|  | No. 5 (part)                        | Middlesex Street                      |
| The Council of the City of Westminster             | No. 1                               | Northumberland Avenue                 |
|  | No. 8 (part)                        | Victoria Embankment                   |
|  | No. 9                               | Garrick Street                        |
|  | No. 10                              | Tavistock Street                      |
|  | No. 11                              | Strand                                |
|  | No. 12                              | Aldwych                               |
|  | No. 13                              | Aldwych/Kingsway                      |
|  | No. 14 (part)                       | Kingsway                              |
|  | No. 15 (part)                       | Kingsway                              |
|  | No. 21 (part)                       | Charing Cross Road/ St Martin's Place |
|  | No. 22 (part)                       | Shaftesbury Avenue/ Cambridge Circus  |
|  | No. 23                              | Piccadilly Circus/ Regent Street      |
| No. 24   | Marble Arch/ Oxford Street          |                                       |

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| Transferee Authority | Number & General Location of Subway |
|----------------------|-------------------------------------|
|                      | No. 25 Cranbourn Street             |

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### EXPLANATORY NOTE

*(This note is not part of the Order) This Order gives effect to proposals of the London Residuary Body for the transfer of pipe subways which it holds as successor in title to the Greater London Council.*

Article 2 of the Order transfers the pipe subways and parts of pipe subways listed in the Schedule to the local authorities in whose areas the subways are situated and transfers relevant rights and liabilities.

Article 3 confers on the local authorities in whom the subways are vested the same functions as were exercisable in relation to the subways by the Greater London Council. It also requires an authority to give notice of their intention to carry out works in a subway to other authorities which have interests in the same subway.

Article 4 provides for the continuity of byelaws and article 5 makes transitional provision about the exercise of functions.

Plans showing the subways transferred may be inspected at the offices of the transferee authorities and at the Department of the Environment, Romney House, 43 Marsham Street, London SW1 3PY.