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STATUTORY INSTRUMENTS

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**2015 No. 2044**

The London Underground (Bank  
Station Capacity Upgrade) Order 2015

PART 2

WORKS PROVISIONS

*Streets*

**Power to alter layout, etc., of streets**

9.—(1) The Company may for the purposes of the construction of the authorised works alter the layout of any street within the Order limits and the layout of any street abutting the Order limits or which has a junction with such a street and without limitation on the scope of this power the Company may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) carry out works for the provision, removal, suspension or alteration of parking places, loading bays, bus lanes, bus stop clearways and bus laybys.

(2) The powers conferred by paragraph (1) in relation to any street abutting the Order limits or which has a junction with such a street must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld although it may be given subject to reasonable conditions including in relation to paragraph (3)(b) conditions to preserve the integrity of the City of London Corporation's Traffic and Environmental Zone.

(3) Without limitation on the scope of the powers conferred under this article, the Company may—

- (a) temporarily remove or relocate bollards, gates or any other obstruction preventing the passage of vehicular traffic along and over Sherborne Lane delineated on the land plan and shown numbered 91;
- (b) temporarily remove or relocate bollards, gates or any other obstruction preventing the passage of vehicular traffic along and over the designated land; and
- (c) provide a controlled pedestrian crossing in Cannon Street within the Order limits.

(4) In this article—

- (a) “the designated land” means—
  - (i) the unnamed street off Laurence Pountney Lane delineated on the land plan and shown numbered 128 and 129; and

- (ii) land at the junction of Upper Thames Street with Suffolk Lane delineated on the land plan and shown numbered 186 and 187; and
- (b) “the City of London Corporation’s Traffic and Environmental Zone” means the security and surveillance cordon implemented by the City of London and Tower Hamlets (Prescribed Routes) Traffic Order 1994<sup>(1)</sup>, the City of London (Prescribed Routes) (No1) Traffic Order 1998<sup>(2)</sup>, the City of London, Hackney, Islington and Tower Hamlets (Prescribed Routes) Traffic Order 2000<sup>(3)</sup>, and the City of London (Prescribed Routes) (No1) Traffic Order 2005 <sup>(4)</sup>.

### **Power to keep apparatus in streets**

**10.**—(1) The Company may, for the purposes of or in connection with the construction of the authorised works, alter, move, remove, place and maintain in any street within and abutting the Order limits or which has a junction with such a street, any work, equipment or apparatus including foundations, road islands, bollards, substations, electric lines, closed circuit television monitoring equipment and any other electrical equipment or other apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act;
- (b) “electric line” has the meaning given by section 64(1) of the Electricity Act 1989<sup>(5)</sup>; and
- (c) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

### **Power to execute street works**

**11.**—(1) The Company may, for the purposes of the construction of the authorised works, enter upon so much of any of the streets specified in Schedule 2 (streets subject to street works) as is within and abutting the Order limits or which has a junction with such a street and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it, or tunnel or bore under the street;
- (b) place apparatus in the street;
- (c) maintain apparatus in the street or change its position; and
- (d) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

(2) This article is subject to paragraph 3 of Schedule 10 (provisions relating to statutory undertakers etc.).

(3) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

### **Stopping up of streets**

**12.**—(1) Subject to the provisions of this article, the Company may, in connection with the construction of the authorised works, stop up each of the streets specified in columns (1) and (2) of Schedule 3 (streets to be stopped up) to the extent specified in column (3) of that Schedule.

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(1) 1994 No. 9.  
(2) 1998 No. 5.  
(3) 2001 No. 5.  
(4) 2005 No. 3.  
(5) 1989 c. 29.

(2) No street specified in columns (1) and (2) of Schedule 3 (being a street to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (3) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

(3) The condition referred to in paragraph (2) is that—

- (a) the Company is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned;  
or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(4) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the Company may appropriate and use for the purposes of its railway undertaking so much of the street so stopped up.

(5) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article is subject to paragraph 2 of Schedule 10 (provisions relating to statutory undertakers etc.) and paragraph 4 of Schedule 11 (protection for electricity, gas, water and sewerage undertakers).

### **Temporary stopping up and diversion of streets**

**13.**—(1) The Company, during and for the purposes of the construction of the authorised works, may temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The Company must provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article (or to and from any other premises accessible for pedestrians from, and only from that street) if there would otherwise be no such access.

(3) Without limitation on the scope of paragraph (1), the Company may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (2) of Schedule 4 (streets to be temporarily stopped up) to the extent specified in column (3) of that Schedule.

(4) The Company must not exercise the powers conferred by this article—

- (a) in relation to any street specified as mentioned in paragraph (3) without first consulting the street authority; and
- (b) in relation to any other street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(5) Without limitation on the scope of the powers conferred under this article, any part of Arthur Street, Martin Lane and that part of King William Street shown shaded on the works plan which is stopped up under this article may be used as a work site for the purposes of the construction of the authorised works.

(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

### **Access to works**

14. The Company may, for the purposes of the construction of the authorised works—
- (a) form and lay out means of access, or improve existing means of access, in the location specified in columns (1) and (2) of Schedule 5 (access to works) at the points marked ‘A’ on the access to works and permanent stopping up of streets plan; and
  - (b) with the approval of the highway authority after consultation with the local planning authority, such approval not to be unreasonably withheld (but may be subject to reasonable conditions), form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the Company reasonably requires for the purposes of the authorised works.

### **Construction and maintenance of new or altered streets**

15.—(1) Any street to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and must be maintained by and at the expense of the Company for a period of 12 months from its completion and from the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority, and must be maintained by and at the expense of the Company for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) Paragraphs (1) and (2) do not apply in relation to the structure of any bridge or tunnel carrying a street over or under any railway of the Company.

(4) In any action against the Company in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without affecting any other defence or the application of the law relating to contributory negligence) to prove that the Company had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(5) For the purposes of a defence under paragraph (4), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the Company knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street;
- (e) where the Company could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the Company had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the Company had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

### **Agreements with street authorities**

- 16.—(1) A street authority and the Company may enter into agreements with respect to—

- (a) the construction of any new street (including any structure carrying the street over or under a railway) under the powers conferred by this Order;
  - (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under a railway;
  - (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
  - (d) the execution in the street of any of the works referred to in article 11(1) (power to execute street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
  - (b) contain such terms as to payment and otherwise as the parties consider appropriate.