



# London Underground (Victoria) Act 1991

## 1991 CHAPTER x

An Act to empower London Underground Limited to construct works and to acquire or use lands; and for connected purposes. [27th June 1991]

### WHEREAS—

- (1) London Underground Limited (in this Act referred to as “the Company”) were incorporated as a wholly-owned subsidiary of London Regional Transport (in this Act referred to as “the Corporation”) by virtue of the London Regional Transport Act 1984 and the Companies Acts 1948 to 1981 (inter alia) to acquire and take over, as a going concern, that part of the undertaking of the Corporation responsible for operating the railway system of the Corporation (other than the Docklands Railway) and for the maintenance of such railway system and to carry on develop and turn to account that part of that undertaking and all property and assets acquired from the Corporation in connection therewith:
- (2) By the London Regional Transport Underground Railway Asset Transfer Scheme 1985 made under the provisions of section 4(7) of the said Act of 1984 there was transferred from the Corporation to the Company all the property, rights and liabilities comprised in those parts of the Corporation’s undertaking connected with the Corporation’s underground railway services (except as provided in the said scheme) together with any functions under any statutory provision relating to the Corporation’s underground railway:
- (3) It is expedient that for the purposes aforesaid the Company should be empowered to construct the work authorised by, and to acquire or use the lands referred to in, this Act and that the other provisions in this Act contained should be enacted:
- (4) A plan and section showing the line or situation and levels of the work to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Westminster City Council, which plan, section and book of reference are respectively referred to in this Act as the deposited plan, the deposited section and the deposited book of reference:
- (5) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### PRELIMINARY

#### 1 Short title

This Act may be cited as the London Underground (Victoria) Act 1991.

#### 2 Interpretation

- (1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the related subject-matter the same respective meanings; and—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845;

“the Act of 1963” means the London Transport Act 1963;

“the Act of 1964” means the London Transport Act 1964;

“the Act of 1965” means the London Transport Act 1965;

“the Act of 1966” means the London Transport Act 1966;

“the Act of 1969” means the London Transport Act 1969;

“the Act of 1976” means the London Transport Act 1976;

“the Act of 1981” means the London Transport Act 1981;

“the Company” means London Underground Limited;

“the limit of deviation” means the limit of deviation shown on the deposited plan;

“the new passageways” means the passageways, which the Company may provide under section 4 (Power to make works) of this Act, to connect the northbound and southbound platforms of the Company’s Victoria Line at their Victoria station; and

“the works” means the works authorised by Part II (Works, etc.) of this Act.

- (2) Any reference to the London Transport Board or London Transport Executive in any of the provisions incorporated with this Act by section 9 (Incorporation of works provisions), section 18 (Incorporation of lands provisions) and section 19 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Company.
- (3) All distances, lengths and directions stated in any description of works, powers or lands, shall be construed as if the words “or thereabouts” were inserted after each such distance, length and direction, and distances between points on a railway shall be taken to be measured along the railway.
- (4) Unless the context otherwise requires, any reference in this Act to Work No. 1 shall be construed as a reference to the work of that number authorised by this Act.

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### 3 Incorporation of general enactments

- (1) The following enactments, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—
  - (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845; and
  - (b) the Act of 1845, except sections 7, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 94 and 95 thereof.
- (2) For the purposes of the provisions of the Act of 1845, as incorporated with this Act—
  - (a) the expression “the company” where used in the said incorporated provisions means the company; and
  - (b) Work No. 1 and the new passageways shall be deemed to be railways authorised by the special Act.
- (3) Sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Company and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—
  - (a) Part II of the Public Utilities Street Works Act 1950; or
  - (b) section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

## PART II

### WORKS ETC.

#### 4 Power to make works

- (1) Subject to the provisions of this Act, the Company may, in the line or situation shown on the deposited plan and according to the levels shown on the deposited section, make and maintain the following work with all necessary works and conveniences connected therewith:—

In Greater London—

In the city of Westminster—

**(Passenger subway at Victoria station)**

Work No. 1—A passenger subway (43 metres in length) commencing by a junction with the eastbound platform of the Company’s District and Circle Line beneath a point 46 metres south-west of the junction of Allington Street with Victoria Street and terminating by a junction with an intermediate passenger concourse serving that line and the Company’s Victoria Line beneath a point 11 metres south-west of the junction of those streets.

- (2) The Company may, in the city of Westminster within the lines marked “Limit of land to be acquired” on the deposited plan, make, maintain and use the new passageways with all necessary works and conveniences connected therewith.

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## **5 Power to interfere with Victoria Street**

- (1) Subject to the provisions of this Act, the Company may, for the purpose of constructing the works, enter upon, open, break up and interfere with so much of the surface of Victoria Street in the city of Westminster as lies within the limit of deviation.
- (2)
  - (a) Notwithstanding the generality of subsection (1) above, the Company may, during and for the purpose of the execution of the works, temporarily stop up and interfere with so much of Victoria Street in the city of Westminster as lies between the points marked “A” to “H” on the deposited plan and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land or building abutting on any part of that street so stopped up and interfered with, from passing along and using the same.
  - (b) The Company shall provide reasonable access for foot passengers bona fide going to or from any such land or building.

## **6 Power to deviate**

In the execution of the works the Company may deviate from the line or situation thereof shown on the deposited plan to the extent of the limit of deviation and may deviate vertically from the levels shown on the deposited section to any extent upwards or downwards as may be found necessary or convenient.

## **7 Use of sewers, etc., for removing water**

- (1) The Company may use for the discharge of any water pumped or found by them during the construction of the works any sewer or drain of a relevant authority in whose area the works may be constructed, and for that purpose may lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such sewer or drain within the limits of deviation but—
  - (a) the Company shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and
  - (b) the Company shall not make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested and approval of those plans by the relevant authority shall not be unreasonably withheld.
- (2) The Company shall take all such steps as may reasonably be required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension.
- (3) Any difference arising between the Company and a relevant authority under this section shall be settled by arbitration.
- (4) In this section “relevant authority” means Thames Water Utilities Limited or the Westminster City Council.

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## **8 Notice of interference with streets**

Before breaking up or otherwise interfering with any street to which the public has access in connection with the construction of the works, the Company shall (except in case of emergency) give 14 days' notice in writing to—

- (a) the London Fire and Civil Defence Authority; and
- (b) the chief officer of police;

and make such arrangements with the chief officer of police as may be reasonably necessary so as to cause as little interference with the traffic in such street during the construction of such works as may be reasonably practicable.

## **9 Incorporation of works provisions**

The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

Section 15 (Power to make trial holes):

The Act of 1965—

Section 10 (Underpinning of houses near works), except the provisos to paragraphs (4) and (6) thereof.

# **PART III**

## **LANDS**

## **10 Power to acquire lands**

Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

## **11 Power to use subsoil beneath streets**

- (1) For the purpose of constructing Work No. 1 the Company may enter upon, use and appropriate so much of the subsoil and undersurface of Victoria Street (including the footways) in the city of Westminster as lies within the limit of deviation and as may be necessary for the purpose of constructing that work.
- (2) For the purpose of constructing the new passageways the Company may enter upon, use and appropriate so much of the subsoil and undersurface of the lands numbered on the deposited plans 7 and 8 in the city of Westminster as may be necessary for the purpose of constructing the new passageways.
- (3) The Company shall not be required to purchase the interests referred to in subsections (1) and (2) above or to make any payment therefor.

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## **12 Power to acquire subsoil or new rights only in certain cases**

- (1) In this Part of this Act “new rights” in relation to any land means easements or other rights in, under or over such land, which are not in existence at the passing of this Act.
- (2) Notwithstanding anything in this Act, the Company may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such new rights as they may require in, under or over any of the lands described in section 10 (Power to acquire lands) of this Act without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such entry, taking and using.
- (3)
  - (a) If, in any case where the Company enter upon, take and use the subsoil and under-surface of, or acquire a new right in or under, any of the said lands they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Land Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.
  - (b) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Company under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

## **13 Subsoil or new rights only to be acquired in certain cases**

- (1) In this section—
  - “the specified lands” means the lands numbered on the deposited plan 9 and 10 in the city of Westminster;
  - “the level of the surface of the specified lands” means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building.
- (2)
  - (a) Notwithstanding the provisions of section 10 (Power to acquire lands) of this Act, the Company shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) below.
  - (b) The Company may, within the limits of lateral deviation prescribed by this Act in respect of the works, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purposes of constructing, maintaining, protecting, renewing and using the works and any necessary works and conveniences connected therewith, or compulsorily purchase such new rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such entry, taking and using.
  - (c) For the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 9 metres of the level of the surface of the specified lands.

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#### **14 Application of Lands Clauses Acts to compulsory purchase of new rights**

- (1) The Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired in certain cases) of this Act as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land in, under or over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (2) Without prejudice to the generality of subsection (1) above in relation to the purchase of new rights in pursuance of section 12 (Power to acquire subsoil or new rights only in certain cases) and section 13 (Subsoil or new rights only to be acquired in certain cases) of this Act—
  - (a) the Lands Clauses Consolidation Act 1845 shall, subject to the provisions of subsection (3) below, have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976 and as if for the word “over”, where it occurs in paragraph 1 of that schedule, there were substituted the words “in, under or over”;
  - (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.
- (3) Notwithstanding anything in this section, section 92 of the Lands Clauses Consolidation Act 1845 shall not apply to any compulsory acquisition or purchase by the Company under section 12 (Power to acquire subsoil or new rights only in certain cases) or section 13 (Subsoil or new rights only to be acquired in certain cases) of this Act.

#### **15 Set-off for enhancement in value of retained land**

- (1) In this section “relevant land” means any land or any subsoil or under-surface of or new rights in, under or over any land acquired by the Company for the purposes of the works.
- (2) In assessing the compensation payable to any person on the acquisition by the Company from him of any relevant land, the Lands Tribunal shall—
  - (a) have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by the works; and
  - (b) set off against the value of the relevant land any increase in the value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of the works.
- (3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

#### **16 Temporary possession of land**

- (1) This section applies to the land delineated on the deposited plan and thereon numbered 11, 12 and 13 in the city of Westminster (hereinafter in this section referred to as “the said land”).

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- (2) The Company may, for the purpose of enabling them to construct the new passageways, enter upon and take possession temporarily of the land numbered 11 on the deposited plan and so much of the roof of and air space over the lands numbered 12 and 13 on the said plan after giving to the owners, lessees and occupiers thereof not less than one month's previous notice in writing and may remove any apparatus and equipment thereon and may construct temporary works and structures thereon for such purpose.
- (3) The company—
- (a) shall not without the agreement of the owners, lessees and occupiers thereof remain in possession of the said land under the powers of this section after a period of three years from the date of entry thereon;
  - (b) shall not be empowered to purchase compulsorily or be required to purchase the said land (except such subsoil or new rights as they require under the provisions of section 12 (Power to acquire subsoil or new rights only in certain cases) of this Act).
- (4) Before relinquishing possession of the said land the Company shall remove all works and structures erected by them on the surface or on the roof and in the airspace thereof as the case may be and shall, subject to any agreement to the contrary with the respective owners, lessees or occupiers thereof, reinstate the said land so far as reasonably practicable to its condition immediately before entry thereon by the Company.

## **17 Period for compulsory purchase of lands and new rights**

The powers of the Company for the compulsory purchase of lands and new rights under this Act shall cease on 31st December 1995.

## **18 Incorporation of lands provisions**

- (1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—
- The Act of 1963—
- section 21 (Powers to enter for survey or valuation); and
  - section 28 (As to cellars under streets not referenced):
- The Act of 1964—
- section 12 (Acquisition of part only of certain properties); and
  - section 14 (Extinction of private rights of way):
- The Act of 1965—
- section 13 (Correction of errors in deposited plans and book of reference):
- The Act of 1966—
- section 14 (Power to expedite entry):
- The Act of 1969—
- section 14 (Disregard of recent improvements and interests).
- (2) The provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”.



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## PART IV

### GENERAL

#### 19 Incorporation of protective provisions

- (1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—
- The Act of 1963—
    - section 42 (For protection of gas, water and electricity undertakers):
  - The Act of 1976—
    - section 13 (For protection of sewers of Thames Water Authority):
  - The Act of 1981—
    - section 17 (for protection of British Telecommunications).
- (2) The provisions of paragraph (1) of the said section 42 of the Act of 1963, as so incorporated, shall have effect as if—
- (a) for the definition of “the undertakers” there were substituted the following:—
    - ““the undertakers” means any person authorised to carry on, in the area within which the Company are by this Act authorised to purchase land or execute works, an undertaking for the supply of gas or water or for the generation, transmission or supply of electricity;”;
    - and
  - (b) in sub-paragraph (a) of the definition of “apparatus” for the words “electric lines or works” there were substituted “electric lines or electrical plant” and for the reference to the Electricity (Supply) Acts 1882 to 1936 there were substituted a reference to the Electricity Act 1989.
- (3) The provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—
- (a) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 9 (Incorporation of works provisions) of this Act;
  - (b) in the definition of “the specified works” in paragraph (1), for the reference to the works authorised by the Act of 1976 there were substituted a reference to the works; and
  - (c) for reference to the Thames Water Authority there were substituted reference to a sewerage undertaker within the meaning of the Water Act 1989.
- (4) The provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if—
- (a) paragraph (2) of that section were omitted;
  - (b) for reference to Work No. 2 of the Act of 1981 there were substituted reference to the works; and
  - (c) for reference to British Telecommunications there were substituted a reference to a public telecommunications operator as defined in section 9 (3) of the Telecommunications Act 1984.

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## **20 Planning permission**

- (1) In this section “Part 11 development” means development authorised by article 3 of, and Class A in Part II of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).
- (2) Subject to the provisions of subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Part 11 development shall have effect as if the authority to develop given by this Act were limited to development begun by 31st December 2000.
- (3) Subsection (2) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works authorised by this Act or the substitution of new works therefor.

## **21 Costs of Act**

All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation and may in whole or in part be defrayed out of revenue.