



London Underground (Green Park) Act 1994

1994 CHAPTER ix

PART I

PRELIMINARY

1 Short title

This Act may be cited as the London Underground (Green Park) Act 1994.

2 Interpretation

(1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the enactments 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 limits of deviation” means the limits of deviation shown on the substituted plan; and

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

(2) Any reference to the London Transport Board or to the London Transport Executive in any of the provisions incorporated with this Act shall be construed as a reference to the Company.

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- (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.
- (4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

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 132 of the Lands Clauses Consolidation Act 1845; and
 - (b) the Act of 1845, except sections 7 to 9, 11 to 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) Works Nos. 4, 4a, 4b, 4c, 5 and 5a 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 III of the New Roads and Street Works Act 1991; 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

The Company may, in the lines or situations shown on the substituted plan and according to the levels shown on the substituted sections, make and maintain in Greater London the works described in the Schedule to this Act, with all necessary works and conveniences connected therewith.

5 Access from Arlington Street

The Company may in the city of Westminster form and lay out means of access from Arlington Street at point A on the substituted plan for the purpose of constructing the works.

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6 Power to open surface of and temporarily stop up streets

- (1) The Company may for the purpose of constructing the works—
 - (a) enter upon, open, break up and interfere with; and
 - (b) temporarily stop up and divert;so much of the streets specified in subsection (3) below as is within the limits of deviation 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 the street, from passing along and using the same.
- (2) The Company shall provide reasonable access for persons on foot going bona fide to or from any such land or building.
- (3) The streets referred to in subsection (1) above are—

In the city of Westminster—
Arlington Street;
Bennett Street;

7 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 any of the works, the Company shall (except in case of emergency) give not less than 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.

8 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 available stream or watercourse, or any sewer or drain of a relevant authority in or through whose area the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, 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 is vested and approval of those plans by the relevant authority shall not be unreasonably withheld.
- (a) (a) Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning given by section 104 of that Act as if this section were not a local statutory provision for the purposes of section 88 (1) (f) of that Act.

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- (b) In the exercise of their powers under this section the Company shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof within the meaning of section 113 of the Water Resources Act 1991.
- (3) The Company shall take all steps reasonably 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.
- (4) Any difference arising between the Company and a relevant authority under this section shall be settled by arbitration.
- (5) In this section “relevant authority” means Thames Water Utilities Limited, the National Rivers Authority or the Westminster City Council.

9 Power to deviate

In the execution of any of the works, the Company may deviate from the lines or situations thereof shown on the substituted plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the substituted sections—

- (a) to such extent downwards as may be found necessary or convenient; and
- (b) to any extent upwards not exceeding 3 metres in the case of Works Nos. 4, 4a, 4b, 5 and 5a and to such extent upwards in the case of Work No. 4c as may be found necessary or convenient.

10 Safeguarding works to buildings

- (1) In connection with the works, the Company at their own cost may, subject as hereinafter provided, carry out safeguarding works to any building situated within 35 metres of the works and for that purpose may enter any such building or any land belonging thereto.
- (2) In connection with the safeguarding works authorised by subsection (1) above, the following provisions shall have effect:—
 - (a) before exercising the powers of subsection (1) above at least 14 days' notice shall, except in cases of emergency, be given to the owners, lessees and occupiers of the building in respect of which safeguarding works are proposed;
 - (b) a notice shall be served in the manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845;
 - (c) if any owner, lessee or occupier of any such building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such safeguarding works, the question of necessity shall be referred to and settled by arbitration;
 - (d) the Company shall compensate the owners, lessees and occupiers of every such building for any loss or damage which may result to them by reason of the exercise by the Company of the powers of this section;
 - (e) in any case where safeguarding works have been carried out to any building under the powers of this section, the Company may, from time to time after the completion of such safeguarding works, and during the execution of the works in connection with which such safeguarding works were done, or before

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- the expiry of five years after the opening for public use of the works, enter upon and survey such building and do such further safeguarding works as they may deem necessary or expedient or, in case of dispute between the Company and the owner, lessee or occupier of the building, as may be determined by arbitration;
- (f) if the safeguarding works carried out by the Company to any building under the powers of this section prove at any time before the expiry of five years from the opening for public use of the works in connection with which such safeguarding works were carried out to be inadequate for the support or protection of the building against further damage arising from the execution of the works, the Company shall compensate the owner, lessee and occupier of the building for such damage;
 - (g) nothing in this section or in any dealing with any property in pursuance of this section shall relieve the Company from liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845;
 - (h) every case of compensation to be ascertained under this section shall be determined in accordance with Part I of the Land Compensation Act 1961.
- (3) For the purpose of determining whether and, if so, how to exercise their powers and how to discharge their duties under this section, the Company may at any reasonable time enter and survey any building to which subsection (1) above applies.
- (4) To enable them to carry out the safeguarding works authorised by subsection (1) above, the Company may stop up, divert, break open and interfere with any street or footpath, whether public or private, or any other open space which is adjacent to any building to which safeguarding works are to be carried out.
- (5) In this section—
- (a) “building” includes any structure or any part of a building or structure and, in the case of so much of the works as are constructed below the surface of the ground, reference to a building within 35 metres of those works includes reference to any building within 35 metres of the point on the surface below which those works are situated;
 - (b) “safeguarding works” includes underpinning, strengthening and any other works which in the reasonable opinion of the Company might prevent damage to any building which may arise as a result of the construction of the works; and
 - (c) “the works” does not include safeguarding works.

11 Incorporation of works provisions

Section 15 (Power to make trial holes) of the Act of 1963 is, with necessary modifications, incorporated with this Act.

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PART III

LANDS

12 Power to acquire lands

- (1) The Company may enter upon, take and use such of the lands delineated on the substituted plan and described in the substituted book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.
- (2) The Company may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the substituted plan and described in the substituted book of reference as may be necessary for the purposes mentioned in subsection (1) above without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

13 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 to be created in favour of the Company.
- (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 delineated on the substituted plan and described in the substituted book of reference 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 lands referred to in subsection (2) above 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 Lands Clauses Acts shall 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.

14 Subsoil or new rights only to be acquired under certain lands

- (1) In this section—
 - “the specified lands” means the lands numbered on the substituted plan 2, 4, 5, 9, 10, 12, 13 and 15 to 18 in the city of Westminster; and
 - “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.

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- (2) (a) Notwithstanding the provisions of subsection (1) of section 12 (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.

15 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 sections 13 (Power to acquire subsoil or new rights only in certain cases) and 14 (Subsoil or new rights only to be acquired under certain lands) 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 sections 13 (Power to acquire subsoil or new rights only in certain cases) and 14 (Subsoil or new rights only to be acquired under certain lands) 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”, wherever 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 sections 13 (Power to acquire subsoil or new rights only in certain cases) or 14 (Subsoil or new rights only to be acquired under certain lands) of this Act.

16 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, or over any land acquired by the Company for the purposes of the works.

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- (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.

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 at the end of the period of six years commencing on the date of the passing of this Act.

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 (Power 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”.

PART IV

PROTECTIVE PROVISIONS

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—

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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 the definition of “apparatus”—

(i) in sub-paragraph (a)

thereof 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 Part I of the Electricity Act 1989; and

(ii) in the words in parenthesis for the reference to the Public Utilities Street Works Act 1950 there were substituted a reference to Part III of the New Roads and Street Works Act 1991.

(3) The provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

(a) for references to Thames Water Authority there were substituted references to Thames Water Utilities Limited;

(b) 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 11 (Incorporation of works provisions) of this Act; and

(c) 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.

(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 references to Work No. 2 of the Act of 1981 there were substituted references to the works; and

(c) for the reference to British Telecommunications there were substituted a reference to any public telecommunications operator as defined in section 9 (3) of the Telecommunications Act 1984.

20 Crown rights

(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Company to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

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- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or
 - (b) belonging to Her Majesty in right of Her Crown and under the management (pursuant to any statute or otherwise) of the Secretary of State without his consent in writing; or
 - (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.
- (2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

PART V

MISCELLANEOUS

21 Planning permission

- (1) In this section “Part 11 development” means development permitted by article 3 of, and Class A in Part 11 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 within 10 years after the passing of this Act.
- (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.

22 Arbitration

Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, as applied by this Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

23 Costs of Act

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