



# Crossrail Act 2008

## CHAPTER 18

### CROSSRAIL ACT 2008

#### *Works*

- 1 Construction and maintenance of scheduled works
- 2 Works: further and supplementary provisions
- 3 Highways
- 4 Overhead lines

#### *Land*

- 5 Temporary possession and use
- 6 Acquisition of land within limits shown on deposited plans
- 7 Acquisition of land not subject to the power under section 6(1)
- 8 Extinguishment of private rights of way
- 9 Extinguishment of rights of statutory undertakers etc.

#### *Planning*

- 10 Planning: general
- 11 Permitted development: time limit
- 12 Fees for planning applications
- 13 Power to disapply section 10(1)
- 14 EIA regulations: replacement development
- 15 Extension of permitted development rights

#### *Heritage*

- 16 Disapplication and modification of controls
- 17 Rights of entry

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### *Trees*

- 18 Power to deal with trees on neighbouring land
- 19 Disapplication of controls

### *Noise*

- 20 Control of construction sites: appeals
- 21 Proceedings in respect of statutory nuisance: defence

### *Railway matters*

- 22 Objective of ORR in relation to Crossrail
- 23 Duty of ORR to publish reports
- 24 Licensing
- 25 Award of Crossrail franchises to public-sector operators
- 26 Disapplication of franchising and access exemptions
- 27 Closures
- 28 Key system assets
- 29 Power to designate persons as “protected railway companies”
- 30 Duty to co-operate
- 31 Arbitration after referral under section 30(3)
- 32 Arbitration under section 30(3): multiple proceedings
- 33 Transfer of functions relating to works
- 34 Application of section 122 of the Railways Act 1993
- 35 Application of other railway legislation

### *Transfers*

- 36 Transfer schemes
- 37 Transfer schemes: tax provisions
- 38 Application of Greater London Authority Act 1999

### *Nominated undertaker*

- 39 Holder of functions of nominated undertaker

### *Miscellaneous*

- 40 Disapplication and modification of miscellaneous controls
- 41 Burial grounds
- 42 Application of landlord and tenant law
- 43 Disposal of Crown land
- 44 Prohibitions or restrictions on land use imposed for Crossrail purposes
- 45 Compensation for injurious affection
- 46 Compensation for water abstraction
- 47 Temporary possession agreements
- 48 Application of Act to extensions
- 49 Reinstatement of discontinued facilities
- 50 Protection of interests
- 51 Power to devolve functions of Secretary of State
- 52 Correction of deposited plans
- 53 Service of documents
- 54 Arbitration

*Final*

- 55 “Deposited plans”, “deposited sections”
- 56 Interpretation
- 57 Financial provisions
- 58 Short title

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SCHEDULES

SCHEDULE 1 — Scheduled works

*Description of works*

SCHEDULE 2 — Works: further and supplementary provisions

- 1 Additional works
- 2 Highway accesses
- 3 Overhead line diversions
- 4 Mitigation and protection works
- 5 Support of buildings
- 6 (1) This paragraph applies where it is necessary or expedient...
- 7 (1) Where the nominated undertaker exercises any power under paragraph...
- 8 Discharge of water
- 9 Entry for preparatory purposes
- 10 Temporary interference with waterways

SCHEDULE 3 — Highways

- 1 Stopping-up
- 2 (1) The nominated undertaker may, in connection with the construction...
- 3 (1) On a highway or part of a highway being...
- 4 Permanent obstruction
- 5 Temporary interference
- 6 Working sites in highways
- 7 Street works
- 8 (1) Works to which sub-paragraph (2) below applies shall be...
- 9 Construction
- 10 (1) Sub-paragraph (2) applies where under this Act the nominated...
- 11 Maintenance
- 12 Notwithstanding anything in section 46 of the Railways Clauses Consolidation...
- 13 Bridges carrying highways
- 14 Agreements with highway authorities etc.
- 15 Use of subsoil

SCHEDULE 4 — Overhead lines: consent

- 1 Scope of Schedule
- 2 Consent requirement
- 3 Applications for consent
- 4 An application for consent under this Schedule shall be supplemented,...
- 5 Publicity
- 6 Consultation

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- 7 (1) If the appropriate Ministers consider that an application for...
- 8 Grant of consent
- 9 A consent under this Schedule may include such conditions (including...
- 10 Variation and revocation of consent
- 11 Duration of consent
- 12 Interpretation

#### SCHEDULE 5 — Temporary possession and use of land

- 1 Occupation and use for construction of works
- 2 (1) Before giving up possession of land of which possession...
- 3 (1) The nominated undertaker may use any road situated on...
- 4 Occupation and use for maintenance of works
- 5 Suspension of private rights of way
- 6 Enforcement

#### SCHEDULE 6 — Acquisition of land shown within limits on deposited plans

##### Part 1 — PURPOSES FOR WHICH CERTAIN LAND MAY BE ACQUIRED

##### Part 2 — APPLICATION OF LEGISLATION RELATING TO COMPULSORY PURCHASE

- 1 Lands Clauses Consolidation Act 1845
- 2 Compulsory Purchase Act 1965
- 3 (1) In its application by virtue of paragraph 2, the...
- 4 Compulsory Purchase (Vesting Declarations) Act 1981
- 5 (1) In its application by virtue of paragraph 4, the...
- Part 3 — SUPPLEMENTARY PROVISIONS
- 6 Acquisition of new rights
- 7 (1) The modifications referred to in paragraph 6(2)(a) are as...
- 8 Limitation of power of acquisition to rights only
- 9 In the case of land specified in the following table,...
- 10 Limitation of power of acquisition to land of specified description
- 11 Acquisition of subsoil
- 12 Limitation of power of acquisition in relation to land not more than 9 metres below the surface
- 13 Extension of power to acquire new rights
- 14 Acquisition of part only of certain properties
- 15 (1) If, on a reference under paragraph 14(5), the Lands...
- 16 (1) Where under paragraph 15 a notice to treat is...
- 17 Minerals
- 18 Power to require acquisition where time limit extended
- 19 Paragraph 18 shall not apply to any subsoil or under-surface...
- 20 Compensation

#### SCHEDULE 7 — Planning conditions

##### Part 1 — QUALIFYING AUTHORITIES

- 1 Specification
- 2 Transition

##### Part 2 — DEVELOPMENT IN THE AREA OF A UNITARY AUTHORITY

- 3 Introductory
- 4 Planning regimes
- 5 Conditions: non-qualifying authority
- 6 Conditions: qualifying authority
- 7 (1) Development shall be carried out in accordance with arrangements...
- 8 (1) To the extent that development consists of—

- 9 (1) No work to which this paragraph applies shall be...  
10 Where the local planning authority approves a scheme for the...  
11 Conditions: general  
    Part 3 — DEVELOPMENT NOT IN THE AREA OF A UNITARY AUTHORITY  
12 Introductory  
13 Planning regimes: district councils  
14 District conditions: non-qualifying authority  
15 District conditions: qualifying authority  
16 (1) Development shall be carried out in accordance with arrangements...  
17 (1) No work to which this paragraph applies shall be...  
18 Where the district planning authority approves a scheme for the...  
19 District conditions: general  
20 County conditions: qualifying authority  
21 (1) To the extent that development consists of any operation...  
22 (1) Development shall be carried out in accordance with arrangements...  
23 (1) To the extent that development consists of—  
24 (1) Development shall be carried out in accordance with arrangements...  
    Part 4 — SUPPLEMENTARY  
25 Programming of requests for planning approvals  
26 Consultation  
27 (1) Where a planning authority considers that a request for...  
28 Intervention by the Secretary of State  
29 (1) The appropriate Ministers may by directions restrict a planning...  
30 Appeals  
31 No appeal under section 78 of the Town and Country...  
32 (1) Unless the appropriate Ministers direct otherwise, their functions  
    in...  
33 The decision of the person appointed under paragraph 32, or...  
34 (1) An appeal under paragraph 30 shall be dealt with...  
35 (1) Regulations under paragraph 30 or 34 may make different...  
36 Modification of Schedule  
37 Interpretation

SCHEDULE 8 — Extension of permitted development rights: supplementary provisions

- 1 Conditions of permitted development  
2 Controls in relation to proposed development  
3 (1) This paragraph applies where it appears to the Secretary...  
4 Notices  
5 Notices under this Schedule shall be served by post.  
6 Where the Secretary of State gives a notice under this...  
7 Interpretation  
8 In this Schedule— (a) “relevant undertaking” means an undertaking  
    given...

SCHEDULE 9 — Heritage: disapplication and modification of controls

- 1 Listed buildings and conservation areas  
2 (1) In the case of a listed building to which...  
3 Section 59 of the Planning (Listed Buildings and Conservation Areas)...  
4 Ancient monuments etc.  
5 (1) The power of entry conferred by section 36(1) of...

SCHEDULE 10 — Heritage: rights of entry

- 1 (1) Any person duly authorised in writing by the Historic...
- 2 (1) The nominated undertaker shall not carry out any decontrolled...
- 3 (1) Following the giving of a notice under paragraph 2(1)...

#### SCHEDULE 11 — Application of other railway legislation

- 1 Highway (Railway Crossings) Act 1839 (c. 45)
- 2 Railway Regulation Act 1842 (c. 55)
- 3 Railways Clauses Consolidation Act 1845 (c. 20)
- 4 Railways Clauses Act 1863 (c. 92)
- 5 Railway Companies (Accounts and Returns) Act 1911 (c. 34)
- 6 British Transport Commission Act 1949 (c. xxix)
- 7 Miscellaneous

#### SCHEDULE 12 — Transfer schemes

##### Part 1 — TRANSFERS FROM CROSS LONDON RAIL LINKS LIMITED AND ITS SUBSIDIARIES

- 1 (1) The Secretary of State may make schemes for the...

##### Part 2 — TRANSFERS FROM THE GREATER LONDON AUTHORITY, TRANSPORT FOR LONDON, THE LONDON DEVELOPMENT AGENCY AND THEIR SUBSIDIARIES

- 2 (1) The Secretary of State may, for purposes connected with...

##### Part 3 — TRANSFERS FROM SECRETARY OF STATE AND COMPANIES OWNED BY SECRETARY OF STATE

- 3 (1) The Secretary of State may, for purposes connected with...

##### Part 4 — GENERAL PROVISIONS ABOUT TRANSFER SCHEMES

- 4 Scheme for grant of lease
- 5 Property, rights and liabilities that may be transferred
- 6 Creation by a scheme of interests, rights and liabilities
- 7 Identifying what is transferred or created by a scheme
- 8 Scheme may provide for contraventions etc. to be treated as not occurring
- 9 Transfer of shares in subsidiary of transferor
- 10 Scheme may modify interests, rights and liabilities of third parties
- 11 (1) Sub-paragraph (2) applies where (apart from that sub-paragraph) a...
- 12 Scheme may impose obligations to enter into agreements or execute instruments
- 13 Supplementary provisions of schemes
- 14 Effect of scheme
- 15 Modification of scheme by agreement
- 16 Transfer of employees and continuity of employment
- 17 Provision of information to person making scheme
- 18 (1) This paragraph applies to a direction under paragraph 17....
- 19 Agreements relating to schemes

##### Part 5 — INTERPRETATION

- 20 Interpretation

#### SCHEDULE 13 — Transfer schemes: tax provisions

##### Part 1 — INTRODUCTION

- 1 Meaning of “public body”
- 2 Meaning of “taxable public body” and “exempt public body”
- 3 Interpretation: supplementary

##### Part 2 — TRANSFERS ETC BETWEEN TAXABLE PUBLIC BODIES

- 4 Meaning of “relevant transfer” in Part 2 of Schedule

- 5 Computation of profits and losses in respect of transfer of trade
- 6 Transfers of trading stock
- 7 Capital allowances: transfer of whole trade
- 8 Capital allowances: transfer of part of a trade
- 9 Capital allowances: transfer of plant or machinery
- 10 Capital allowances: transfers not to be sales
- 11 Chargeable gains: assets to be treated as disposed of without a gain or a loss
- 12 Chargeable gains: roll-over relief
- 13 Continuity in relation to transfer of intangible assets
- 14 Continuity in relation to loan relationships
- 15 Continuity in relation to derivative contracts
- 16 Leased assets
  - Part 3 — TRANSFERS ETC FROM TAXABLE PUBLIC BODIES TO EXEMPT PUBLIC BODIES
- 17 Meaning of “relevant transfer” in Part 3 of Schedule
- 18 Transfers of trading stock
- 19 Capital allowances: determination of disposal value of plant or machinery
- 20 Capital allowances: determination of disposal value of fixtures
- 21 Capital allowances: determination of capital value of industrial buildings etc.
- 22 Chargeable gains: assets to be treated as disposed of without a gain or a loss
- 23 Neutral effect of transfer of intangible assets
- 24 Neutral effect of transfer for loan relationships and derivative contracts
- 25 Leased assets
  - Part 4 — TRANSFERS FROM EXEMPT PUBLIC BODIES TO TAXABLE PUBLIC BODIES
- 26 Meaning of “relevant transfer” in Part 4 of Schedule
- 27 Capital allowances: transfer of plant or machinery
- 28 Capital allowances: determination of capital value of industrial buildings etc.
  - Part 5 — OTHER PROVISIONS CONCERNING TRANSFERS BETWEEN PUBLIC BODIES
- 29 Meaning of “relevant transfer” in Part 5 of Schedule
- 30 Trading losses: change in ownership
- 31 Chargeable gains: degrouping charges
- 32 Stamp duty
  - Part 6 — TRANSFERS ETC INVOLVING PRIVATE PERSONS
- 33 Meaning of “relevant transfer” in Part 6 of Schedule
- 34 Transfers of trading stock
- 35 Capital allowances: determination of disposal value of plant or machinery
- 36 Capital allowances: determination of disposal value of fixtures
- 37 Capital allowances: section 265 of CAA 2001 not to apply in relation to transferee
- 38 Capital allowances: determination of capital value of industrial buildings etc.
- 39 Chargeable gains: disposals not to be treated as made at market value
- 40 Loan relationships
  - Part 7 — OTHER PROVISIONS CONCERNING TRANSFERS
- 41 Chargeable gains: value shifting

- 42 Group relief
- 43 Modification of transfer schemes and determinations under paragraph 9(1)(d) or 27(1)(c): companies
- 44 Modification of transfer schemes: other persons and partnerships
- 45 Power to make further provision in relation to transfer schemes
- 46 Consequential amendment

#### SCHEDULE 14 — Disapplication and modification of miscellaneous controls

- 1 Ecclesiastical law
- 2 Overground wires
- 3 London Squares Preservation Act 1931
- 4 London Building Acts (Amendment) Act 1939
- 5 Coast works
- 6 Port of London Act 1968
- 7 Highways, etc.
- 8 Building regulations
- 9 Deposits in the sea
- 10 London lorries: general
- 11 London lorries: emergency permit
- 12 (1) An authority responsible for dealing with applications for permits...
- 13 Works under streets in Greater London
- 14 New Roads and Street Works Act 1991
- 15 Water abstraction
- 16 Communication with public sewers in London
- 17 Party Wall etc. Act 1996

#### SCHEDULE 15 — Burial grounds: removal of human remains and monuments

- 1 Notice of removal
- 2 Removal of remains
- 3 (1) In the case of remains in relation to which...
- 4 Removal of monuments
- 5 (1) Where the nominated undertaker removes any remains under paragraph...
- 6 Records
- 7 Supplementary

#### SCHEDULE 16 — Reinstatement of discontinued facilities

- 1 Power to reinstate
- 2 Planning conditions

#### SCHEDULE 17 — Protective provisions

##### Part 1 — PROTECTION FOR HIGHWAYS AND TRAFFIC

- 1 (1) The following provisions of this Part shall, unless otherwise...
- 2 Wherever in this Part provision is made with respect to...
- 3 In exercising the powers conferred by this Act in relation...
- 4 The nominated undertaker shall not, without the consent of the...
- 5 In the construction of any part of the said works...
- 6 (1) The provisions of this paragraph have effect in relation...
- 7 The nominated undertaker shall secure that so much of the...
- 8 Any officer of the highway authority duly appointed for the...
- 9 (1) The nominated undertaker shall not alter, disturb or in...
- 10 The nominated undertaker shall not remove any soil or material...
- 11 (1) If the highway authority, after giving to the nominated...



- 12 (1) The nominated undertaker shall not, except with the consent...  
13 The nominated undertaker shall not, except with the consent of...  
14 The nominated undertaker shall, if reasonably so required by the...  
15 (1) Where any part of any highway has been broken...  
16 If any damage to any highway or any property of...  
17 The fact that any act or thing may have been...  
18 (1) Any dispute arising between the nominated undertaker and the...  
Part 2 — PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE  
UNDERTAKERS  
1 (1) The following provisions of this Part shall, unless otherwise...  
2 (1) The following provisions of this paragraph have effect in...  
3 (1) This paragraph applies where— (a) the nominated undertaker for...  
4 (1) Any alternative apparatus to be constructed by the undertakers...  
5 (1) The undertakers shall, after— (a) the manner of construction...  
6 (1) If the nominated undertaker gives notice in writing to...  
7 (1) Where, in accordance with the provisions of this Part,...  
8 (1) Not less than 28 days before commencing to construct...  
9 (1) If in consequence of the exercise of the powers...  
10 Where, in consequence of this Act, any part of any...  
11 (1) Subject to the following provisions of this paragraph, the...  
12 (1) Subject to sub-paragraphs (2) and (3), if by reason...  
13 (1) Any dispute arising between the nominated undertaker and the...  
Part 3 — PROTECTION OF LAND DRAINAGE, FLOOD DEFENCE, WATER  
RESOURCES AND FISHERIES  
1 (1) The following provisions of this Part shall, unless otherwise...  
2 (1) Before beginning to construct any specified work, the nominated...  
3 The requirements which the Agency may make under paragraph 2...  
4 (1) Any specified work, and all protective works required by...  
5 (1) Any work constructed under this Act for the purpose...  
6 (1) If by reason of the construction of any specified...  
7 (1) The nominated undertaker shall take all such measures as...  
8 (1) The nominated undertaker shall indemnify the Agency from all...  
9 Nothing in paragraph 8 shall require the nominated undertaker to...  
10 The fact that any work or thing has been executed...  
11 For the purposes of section 5 of the Metropolis Management...  
12 (1) Any dispute arising between the nominated undertaker and the...  
Part 4 — PROTECTION OF ELECTRONIC COMMUNICATIONS CODE  
NETWORKS  
1 (1) The following provisions of this Part shall, unless otherwise...  
2 (1) Subject to sub-paragraph (2), paragraph 23 of the electronic...  
3 The temporary stopping up or diversion of any highway under...  
4 (1) Where a highway is stopped up under paragraph 1...  
5 (1) Subject to sub-paragraphs (2) to (4), if by reason...  
6 (1) Any dispute arising between the nominated undertaker and an...  
Part 5 — PROTECTION OF BRITISH WATERWAYS BOARD  
1 (1) The following provisions of this Part shall, unless otherwise...  
2 The Secretary of State shall not under the powers of...  
3 (1) Before beginning to construct any specified work, the nominated...  
4 (1) Any specified work, and any protective works required by...  
5 (1) The nominated undertaker shall not deposit any polluting material...  
6 In its application to the discharge of water into the...  
7 (1) If as a result of the construction of any...  
8 (1) If any canal work is abandoned, the Board may...

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- 9 (1) The nominated undertaker shall indemnify the Board from all...  
10 Nothing in paragraph 9 shall impose any liability on the...  
11 (1) Any dispute arising between the nominated undertaker and the...  
Part 6 — PROTECTION OF PORT OF LONDON AUTHORITY  
1 (1) The following provisions of this Part shall, unless otherwise...  
2 (1) Before beginning any operations for the construction of any...  
3 The nominated undertaker shall carry out all operations for the...  
4 (1) The nominated undertaker shall not, without the consent of...  
5 (1) If any pile, stump or other object becomes exposed...  
6 If— (a) by reason of the construction of any specified...  
7 The nominated undertaker shall, at or near every specified work,...  
8 (1) If any tidal work is abandoned, the Port Authority...  
9 Paragraph 8(4) of Schedule 2 shall apply to any discharge...  
10 The exercise of the powers of this Act to navigate...  
11 (1) The nominated undertaker shall indemnify the Port Authority from...  
12 Nothing in paragraph 11 shall impose any liability on the...  
13 (1) Any dispute arising between the nominated undertaker and the...