

2001 No. 4038

TRANSPORT AND WORKS, ENGLAND

**The River Thames (Hungerford Footbridges) (Variation)
Order 2001**

Made - - - - - *20th November 2001*

Coming into force - - *11th December 2001*

ARRANGEMENT OF ARTICLES

PART I

PRELIMINARY

Article

1. Citation and commencement
2. Interpretation

PART II

PRINCIPAL PROVISIONS

3. Variations of the Principal Order

PART III

MISCELLANEOUS AND GENERAL

4. Certification of plans, etc

SCHEDULES

- Schedule 1 First variation of the Principal Order
Schedule 2 Second variation of the Principal Order

Whereas an application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000^(a) made under sections 6, 6A 7 and 10 of the Transport and Works Act 1992^(b) (“the Act”), for an Order under section 3 of the Act;

^(a) S.I. 2000/2190.

^(b) 1992 c. 42.

And whereas the Secretary of State is satisfied that the provision of an alternative right of way for each of the streets mentioned in Part II of Schedule 4 to the River Thames (Hungerford Footbridges) Order 1999 as substituted by paragraph 2 of Schedule 1 to this Order is not required;

And whereas the Secretary of State has determined to make an Order giving effect to the proposals contained in the application with modifications which in his opinion do not make any substantial change in the proposals;

And whereas the Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964(a);

And whereas notice of the Secretary of State's determination was published in the London Gazette on 19th November 2001;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 3 and 5 of, and paragraphs 1, 2, 4 and 8 of Schedule 1 to, the Act and by the Transport and Works (Description of Works Interfering with Navigation) Order 1992(b) and all other powers enabling him in that behalf, hereby makes the following Order—

PART I PRELIMINARY

Citation and commencement

1. This Order may be cited as the River Thames (Hungerford Footbridges) (Variation) Order 2001 and shall come into force on 11th December 2001.

Interpretation

2.—(1) In this Order—

“the Principal Order” means the River Thames (Hungerford Footbridges) Order 1999(c);

“the substituted plans” means the Works Plan and the Footpath Plan being the plans certified by the Secretary of State under those names as the substituted plans for the purposes of this Order;

“the substituted sections” means the sections certified by the Secretary of State as the substituted sections for the purposes of this Order.

(2) Except as provided by the terms of this Order any expression used in the Principal Order shall have the same meaning in this Order as in the Principal Order.

PART II PRINCIPAL PROVISIONS

Variations of the Principal Order

3.—(1) The Principal Order is amended in accordance with Schedule 1 and Schedule 2 to this Order.

(2) The substituted plans and substituted sections are substituted for, respectively, the plans referred to in the Principal Order as the Works Plan and the Footpath Plan and the deposited sections certified under the names Upstream and Downstream Long Sections and Bridge Sections as deposited sections for the purposes of the Principal Order and all references in the Principal Order to the Works Plan and the Footpath Plan and the deposited sections so certified shall be construed as if reference were made in the Principal Order to the substituted plans and substituted sections.

(a) 1964 c. 40.

(b) S.I. 1992/3230. This Order was amended by S.I. 1997/2906 but those amendments are not relevant for the purposes of this Order.

(c) S.I. 1999/2981.

PART III
MISCELLANEOUS AND GENERAL

Certification of plans, etc.

4. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the substituted plans and the substituted sections to the Secretary of State for certification that they are true copies of, respectively, the substituted plans and the substituted sections referred to in this Order; and a document so certified shall be admissible in any proceedings as proof of the contents of the document of which it is a copy.

Signed by authority of the Secretary
of State for Transport, Local
Government and the Regions

Ellis Harvey
Head of the Transport and Works Act Processing Unit,
Department for Transport,
Local Government and the Regions

20th November 2001

SCHEDULES

SCHEDULE 1

Article 3

FIRST VARIATION OF THE PRINCIPAL ORDER

1. In article 4 of the Principal Order (Power to deviate) for sub-paragraph (b) there shall be substituted—

“(b) deviate vertically from the levels shown for those works on the deposited sections—

- (i) to any extent not exceeding 1 metre upwards;
- (ii) to any such extent downwards as may be necessary or convenient but subject to the consent in writing of the Port Authority; and
- (iii) in constructing the pylons and cable stays and other associated structures comprised in the scheduled works on the Middlesex Pier of the Charing Cross Railway Bridge and Victoria Embankment, to any extent not exceeding 2 metres upwards”.

2. For Schedule 4 substitute the following—

SCHEDULE 4

Article 6

STREETS TO BE STOPPED UP

PART I

STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> Street	<i>(3)</i> Extent of stopping up	<i>(4)</i> New street to be substituted
City of Westminster	The existing Hungerford footbridge	So much of the existing footbridge as is in the City of Westminster lying between Ordnance Survey reference points TQ30428035 and TQ30568027	So much of Work No. 1 in Schedule 1 as is in the City of Westminster
	Stairway adjacent to Embankment Station South of Charing Cross Railway Bridge	Between Victoria Embankment and Ordnance Survey reference point TQ30428036 and Hungerford Footbridge at Ordnance Survey reference point TQ30428035	New stairway between the same points
London Borough of Lambeth	The existing Hungerford footbridge	So much of the existing Hungerford footbridge as is in the London Borough of Lambeth lying between Ordnance Survey reference points TQ30568027 and TQ30728021	So much of Work No. 1 in Schedule 1 as is in the London Borough of Lambeth

PART II

STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

Note: The references in this Part of this Schedule to “Area” with a number shall be construed as references to land shown upon the deposited plan entitled “Footpath Plan” identified by that number.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be affected</i>	<i>(3)</i> <i>Extent of stopping up</i>
City of Westminster	Embankment Place Victoria Embankment Northumberland Avenue	Area 101 Areas 102, 103, 104, 105, 601, 602 Areas 109, 603
London Borough of Lambeth	Queen’s Walk	Areas 117, 118, 119, 120, 121, 122

SCHEDULE 2

Article 3

SECOND VARIATION OF THE PRINCIPAL ORDER

1. After article 7 (Temporary stopping up of streets) of the Principal Order there shall be inserted—

“Power to alter the layout of streets

7A.—(1) The undertaker may alter the layout of any street specified in columns (1) and (2) of Schedule 5A to this Order in the manner specified in relation to that street in column (3) of that Schedule.

(2) Without prejudice to the specific powers conferred by paragraph (1) above but subject to paragraph (3) below, the undertaker may for the purpose of constructing, maintaining or using the scheduled works alter the layout of the street in or adjacent to which the works are situated; and without prejudice to the generality of the foregoing, the undertaker 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 of any such kerb, footway, cycle track or verge within the street;
- (c) reduce the width of the carriageway of the street by increasing the width of any kerb, footway, cycle track or verge within the street; and
- (d) reposition any works in the carriageway of the street which provide places of refuge for the protection of pedestrians crossing that carriageway or other structures within the street.

(3) The powers in paragraph (2) above shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.”

2. After Schedule 5 of the Principal Order (Streets to be temporarily stopped up) there shall be inserted—

SCHEDULE 5A

Article 7A

STREETS SUBJECT TO ALTERATION OF LAYOUT

Note: The references in this Schedule to “Area” with a number shall be construed as references to the land shown upon the deposited plan entitled “Footpath Plan” identified by that number.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street Subject to Alteration</i>	<i>(3)</i> <i>Description of Alteration</i>
City of Westminster	Victoria Embankment	Realignment of the existing southbound kerb 500 millimetres west between a point 45 metres north of the northernmost extremity of Area 601 and a point 10 metres south of the southernmost extremity of Area 602
City of Westminster	Northumberland Avenue	Realignment of existing northern kerb 2 metres south and the existing central reserve between Embankment Place and Victoria Embankment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the variation of certain provisions of the River Thames (Hungerford Footbridges) Order 1999 (“the Principal Order”) which authorised the construction of two new footbridges on either side of the Hungerford Railway Bridge linking Charing Cross and the South Bank.

The Order authorises the relocation and redesign of the supporting pylons of the footbridges from the Middlesex Pier of the Railway Bridge to Victoria Embankment and an increase in the height of the pylons. It also makes provision for changes to the layout of streets and stopping-up of streets consequent upon the redesign of the pylons.

The Order varies the Principal Order and substitutes plans and sections for those deposited with the Principal Order.

Plans and sections substituted by this Order together with the plans and sections deposited pursuant to the Principal Order may be inspected at Westminster City Hall, Westminster, 64 Victoria Street, London SW1E 6QP between the hours of 9.00 and 5.00 pm Mondays to Fridays excluding public holidays.

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**The River Thames (Hungerford Footbridges) (Variation)
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£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E2004 12/2001 012004 19585

ISBN 0-11-039085-7



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