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STATUTORY INSTRUMENTS

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**2012 No. 472**

**The London Cable Car Order 2012**

**Citation and commencement**

1. This Order may be cited as the London Cable Car Order 2012 and comes into force on 13th March 2012.

**Interpretation**

2. In this Order—

“the 1999 Act” means the Greater London Authority Act 1999(1);

“building” includes any structure or erection or any part of a building, structure or erection;

“the cable car system” means the cable car system across the river Thames between the Greenwich peninsula and the Royal Victoria Dock, as constructed by DLRL, including but not limited to—

- (a) the stations, passenger embarkation and disembarkation areas, associated public spaces and pedestrian and vehicular access ways;
- (b) the towers, cables and gondolas and all other associated plant, equipment, apparatus and facilities; and
- (c) any other associated building;

“DLRL” means Docklands Light Railway Limited, a company limited by shares and registered in England and Wales under number 2052677 whose registered office is PO Box 154, Castor Lane, Poplar, London E14 0DX; and

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly.

**Statutory authority for the cable car system**

3.—(1) This Order gives statutory authority for DLRL to operate and maintain the cable car system.

(2) The authority conferred by this Order is conferred for the purpose of providing a defence of statutory authority—

- (a) in any proceedings, whether civil or criminal, in nuisance; or
- (b) in any proceedings, other than proceedings for breach of statutory duty, in respect of the escape of things from land.

(3) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(2) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under

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(1) 1999 c. 29.  
(2) 1990 c. 43.

section 82(2) of that Act if the defendant shows that the nuisance is a consequence of the operation or maintenance of the cable car system and that it cannot reasonably be avoided.

(4) Nothing in this article is to be construed as excluding a defence of statutory authority otherwise available under or by virtue of any enactment.

(5) The provisions of this article are without prejudice to the powers conferred on Transport for London and its subsidiaries by the 1999 Act in connection with the provision of passenger transport services in Greater London.

### **Permitted development**

4.—(1) The cable car system is deemed to be a railway or light railway undertaking for the purposes of Part 17 of Schedule 2 (permitted development) to the 1995 Order and, therefore, any development carried out by DLRL on its operational land, required in connection with the movement of passengers by the cable car system, is to be treated as permitted development to the extent that it falls within Class A of Part 17.

(2) Class A of Part 17 of Schedule 2 to the 1995 Order as applied by paragraph (1) has effect as if—

- (a) references to a railway were references to the cable car system;
- (b) references to the movement of traffic by rail were references to the movement of passengers by the cable car system; and
- (c) references to a railway station were references to the stations forming part of the cable car system.

(3) In this article, “the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(3) or any replacement of that order conferring permitted development rights on railway and light railway undertakers.

### **Trespass on the cable car system**

5.—(1) Any person who—

- (a) trespasses on the cable car system; or
- (b) trespasses on any land of DLRL in dangerous proximity to the cable car system or to any electrical or other apparatus used for or in connection with the operation of the cable car system,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person is to be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass on the cable car system was clearly exhibited and maintained at the station or the base of the tower of the cable car system nearest the place where the offence is alleged to have been committed.

### **Byelaws relating to the cable car system**

6.—(1) The powers conferred on Transport for London by paragraph 26(1) to (3) of Schedule 11 to the 1999 Act (miscellaneous powers) may be exercised by Transport for London to make byelaws in respect of the operation and use of the cable car system as if the cable car system was a railway for the purposes of that paragraph.

(2) The provisions of paragraph 26(4) and (5) of that Schedule apply to the enforcement of any byelaws made by Transport for London under paragraph (1) as if the reference to “railway” in paragraph 26(4)(b) of Schedule 11 was a reference to the cable car system.

(3) The provisions of subsections 236(3) to (8), (10C) and (11) of the Local Government Act 1972<sup>(4)</sup> (procedure etc., for byelaws) apply in relation to byelaws made by Transport for London under paragraph (1), except that the application of section 236(10C) only requires Transport for London to send a copy of any byelaws made by it and confirmed to—

- (a) the Mayor of London;
- (b) the Council of the London Borough of Newham; and
- (c) the Council of the London Borough of Greenwich.

(4) The byelaws set out in the Schedule have effect and are to be treated as byelaws made by Transport for London under this article and subsequently confirmed by the Secretary of State.

(5) The byelaws set out in the Schedule apply to the cable car system until such time as they are amended or revoked by byelaws made under paragraph (1).

#### **Penalty fares relating to travel on the cable car system**

7. The provisions of paragraph 9(1) of Schedule 17 to the 1999 Act (which provides for penalty fares in relation to certain train services) apply to the cable car system as if—

- (a) it were a railway for the purposes of paragraph 9(1); and
- (b) under paragraph 9(1)(b), services for the carriage of passengers on the cable car system are designated as services to which paragraph 9(1) applies.

#### **Police services agreements relating to the cable car system**

8.—(1) DLRL, the British Transport Police Authority and its Chief Constable may enter into agreements under section 33 (police services agreement) of the Railways and Transport Safety Act 2003<sup>(5)</sup> for the British Transport Police Force to provide policing services for or in connection with the cable car system.

(2) For the purposes of providing policing services under any such agreement, a constable of the British Transport Police Force—

- (a) has all the powers and privileges of a constable on the cable car system and throughout Great Britain for a purpose connected to the cable car system or to anything occurring on or in relation to the cable car system; and
- (b) may enter property which forms part of the cable car system—
  - (i) without a warrant;
  - (ii) using reasonable force if necessary; and
  - (iii) whether or not an offence has been committed.

(3) Any agreement entered into under paragraph (1) may provide for—

- (a) DLRL to make such payment or other consideration for those policing services as the parties may agree; and
- (b) such incidental and ancillary matters as the parties consider appropriate.

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(4) 1972 c. 70.

(5) 2003 c. 20.

### **Powers of disposal, agreements for operation, etc.**

9.—(1) DLRL may, regardless of any provision of the 1999 Act—

- (a) transfer, charge or otherwise dispose of any interest of DLRL in the cable car system to another person (“the transferee”); or
- (b) grant to another person (“the lessee”) for a period agreed between DLRL and the lessee any interest of DLRL in the cable car system; and
- (c) enter into any agreement that is connected with or consequential on any agreement entered into for the purpose of any transaction mentioned in sub-paragraph (a) or (b),

and with the consent of the Mayor of London DLRL may provide for the transferee, the lessee or another person to exercise or be responsible for any relevant functions, either exclusively or concurrently with DLRL or any other person.

(2) Where an agreement has been made under paragraph (1) for the transferee, the lessee or another person to exercise or be responsible for any relevant functions, references in this Order to DLRL include references to the transferee, the lessee or that other person.

(3) The exercise of any relevant functions by any person under any agreement made under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those functions were exercised by DLRL.

(4) DLRL may provide to any person in any agreement made under paragraph (1), or in connection with or in consequence of any such agreement, such guarantees, indemnities or other forms of security as it considers to be necessary or appropriate.

(5) In this article “relevant functions” means any provision of this Order and of any enactment applied to the cable car system by this Order.

(6) The Mayor of London’s consent given under paragraph (1) may be subject to such reasonable terms and conditions as the Mayor considers appropriate in the circumstances.

### **Application of landlord and tenant law**

10.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the cable car system or the right to operate the system; and
- (b) any agreement entered into by DLRL with any person for the maintenance, use or operation of the cable car system, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Signed by authority of the Secretary of State for Transport

21st February 2012

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