
STATUTORY INSTRUMENTS

2014 No. 3102

The London Underground (Northern
Line Extension) Order 2014

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the London Underground (Northern Line Extension) Order 2014 and comes into force on 15th December 2014.

Commencement Information

II Art. 1 in force at 15.12.2014, see [art. 1](#)

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1968 Act” means the Port of London Act 1968(3);

“the 1980 Act” means the Highways Act 1980(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 2004 Act” means the Traffic Management Act 2004(8);

“the 2009 Act” means the Marine and Coastal Access Act 2009(9);

“address” includes any number or address used for the purposes of electronic transmission;

“the authorised railway” means the railway forming part of the authorised works;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1968 c. xxxii.
(4) 1980 c. 66.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 2004 c. 18.
(9) 2009 c. 23.

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“the authorised works” means the scheduled works and any other works or operations authorised by this Order, or any part of them;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

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

“carriageway” has the same meaning as in the 1980 Act;

“cycle track” has same meaning as in the 1980 Act;

“the deposited plans” means the plans certified by the Secretary of State as the deposited plans for the purposes of this Order;

“the deposited sections” means the sections certified by the Secretary of State as the deposited sections for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“footway” has the same meaning as in the 1980 Act;

“the Harbour Master” means a person appointed by the Port of London Authority to be a harbour master and includes the harbour master’s deputies and assistants;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the limits of deviation” means the various limits of deviation for the scheduled works shown on the deposited plans and the limits mentioned in article 5(1)(b) (power to deviate);

“the limits of land for protective works” means the limits so shown and described on the deposited plans;

“the limits of land to be used only temporarily” means the limits so shown and described on the deposited plans;

“LUL” means London Underground Limited (company registration number 01900907), whose registered office is Windsor House, 42 – 50 Victoria Street, London SW1H 0TL;

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

“mean high water level” means the level which is halfway between mean high water springs and mean high water neaps;

“mooring” means any buoy, pile, pontoon, chain or other apparatus used for the mooring of vessels;

“the Order limits” means the limits of deviation, the limits of land for protective works and the limits of land to be used only temporarily;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(10);

“parking place” has the same meaning as in section 32 of the 1984 Act;

“public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority or a harbour authority within the meaning of the Harbours Act 1964(11);

“the river area” means so much of the bed, waters, foreshore, banks and walls of the River Thames as is comprised in the lands in the London Borough of Wandsworth numbered 10005 and 10006 on the deposited plans;

(10) 1981 c. 67.

(11) 1964 c. 40.

“the scheduled works” means the works and operations specified in Schedule 1 (scheduled works) or any part of them;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the tribunal” means the Lands Chamber of the Upper Tribunal; and

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent), except a public sewer or drain.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface.

(3) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to numbered plots are references to plot numbers shown on the deposited plans.

(5) References in this Order to points identified by letters and numbers are to be construed as references to the points marked on the deposited plans.

(6) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands are approximate, and distances between points on a scheduled work are taken to be measured along the scheduled work.

Commencement Information

I2 Art. 2 in force at 15.12.2014, see [art. 1](#)

Application, modification and exclusion of legislative provisions relating to street works

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(12) of the 1980 Act (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned are, in relation to works which are major transport works by virtue of paragraph (1), to be construed as references to LUL.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

section 56 (directions as to timing);

section 56A (power to give directions as to placing of apparatus);

section 58 (restrictions following substantial road works);

section 58A (restriction on works following substantial street works);

(12) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).

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section 73A (power to require undertaker to re-surface street);
 section 73B (power to specify timing etc. of re-surfacing);
 section 73C (materials, workmanship and standard of re-surfacing);
 section 78A (contributions to costs of re-surfacing by undertaker); and
 Schedule 3A (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by LUL under the powers conferred by article 10 (temporary stopping up and diversion of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act⁽¹³⁾ referred to in paragraph (4) are—
 section 54⁽¹⁴⁾ (advance notice of certain works) subject to paragraph (6);
 section 55⁽¹⁵⁾ (notice of starting date of works) subject to paragraph (6);
 section 57⁽¹⁶⁾ (notice of emergency works);
 section 59⁽¹⁷⁾ (general duty of street authority to co-ordinate works);
 section 60 (general duty of undertakers to co-operate);
 section 68 (facilities to be afforded to street authority);
 section 69 (works likely to affect other apparatus in the street);
 section 76 (liability for cost of temporary traffic regulation);
 section 77 (liability for cost of use of alternative route), and

all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were references to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Commencement Information

I3 Art. 3 in force at 15.12.2014, see [art. 1](#)

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

4.—(1) LUL may construct and maintain the scheduled works.

⁽¹³⁾ Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

⁽¹⁴⁾ As also amended by section 49(1) of the Traffic Management Act 2004.

⁽¹⁵⁾ As also amended by sections 49(2) and 51(9) of the Traffic Management Act 2004.

⁽¹⁶⁾ As also amended by section 52(3) of the Traffic Management Act 2004.

⁽¹⁷⁾ As amended by section 42 of the Traffic Management Act 2004.

(2) Subject to article 5 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (6), LUL may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) works required for the strengthening, improvement, repair or reconstruction of any street;
- (b) works for the strengthening, alteration or demolition of any building;
- (c) works to erect and construct offices, head houses and other buildings, machinery, apparatus, works and conveniences;
- (d) railway electrification and signalling works;
- (e) station services and finishes;
- (f) means of access, including footpaths;
- (g) retaining walls, wing walls, shafts, drainage works and culverts;
- (h) works to remove or alter the position of any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (i) works to alter the course of, or otherwise interfere with, watercourses;
- (j) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works;
- (k) facilities and works for the benefit or protection of land or premises affected by the authorised works; and
- (l) the felling of trees.

(4) Subject to paragraph (6), LUL may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised works.

(5) LUL may remove any works constructed by it under this Order which have been constructed as temporary works or which it no longer requires.

(6) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works—

- (a) within the Order limits; or
- (b) within the boundaries of any street abutting the Order limits or which has a junction with such a street.

(7) The powers conferred by this article may not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but that consent must not be unreasonably withheld.

(8) In constructing and maintaining the scheduled works LUL may lay and install such number of railway lines, switches and crossings as may be necessary or expedient.

(9) The following enactments do not apply to anything done under or in pursuance of this Order—

- (a) sections 70 and 73 of the 1968 Act (works not to be constructed, etc., without works licence and licensing of dredging, etc.); and
- (b) section 109 of the Water Resources Act 1991⁽¹⁸⁾, section 23 of the Land Drainage Act 1991⁽¹⁹⁾ and any byelaws made under those Acts.

⁽¹⁸⁾ 1991 c. 57.

⁽¹⁹⁾ 1991 c. 59.

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(10) Nothing in section 3 of the London Squares Preservation Act 1931⁽²⁰⁾ (protection of squares) has effect in relation to anything done for the purposes of or in connection with the exercise of any of the powers conferred by this Order with respect to works.

(11) Nothing in any agreement under section 9 of that Act (agreements between local authority and owner of a protected square) has effect to prohibit, restrict or impose any condition on the exercise of the powers conferred by this Order with respect to works.

(12) The authorised works may be constructed and maintained under the powers conferred by this article regardless of anything contained in, or done under, Part 1 of, or Schedule 2 to, the Commons Act 2006⁽²¹⁾.

(a) (13) (a) The provisions of the 2009 Act listed in sub-paragraph (b) that relate to marine licences and the enforcement of marine licences apply in relation to any works approved by the Marine Management Organisation under paragraph 78 of Schedule 8 (protective provisions) or determined under paragraph 85 of Schedule 8. Any such approval or determination is to be treated for the purposes of the application of those provisions listed in sub-paragraph (b) as a marine licence and any requirement of such approval or determination is to be treated for those same purposes as a condition attached to a marine licence under section 71(1) of the 2009 Act.

(b) The provisions of the 2009 Act referred to in sub-paragraph (a) are:

(i) section 65 (requirement for a licence);

(ii) Chapter 3 (enforcement) of Part 4 (marine licensing);

(iii) Chapter 2 (common enforcement powers) of Part 8 (enforcement); and

(iv) section 263 (power to require information relating to certain substances and objects),

and all other provisions of the 2009 Act that apply for the purposes of the provisions listed above.

Commencement Information

I4 Art. 4 in force at 15.12.2014, see [art. 1](#)

Power to deviate

5.—(1) In constructing or maintaining any of the scheduled works, LUL may—

(a) deviate laterally from the lines or situations shown on the deposited plans within the limits of deviation and within the limits of land to be used only temporarily; and

(b) deviate vertically from the levels shown on the deposited sections—

(i) to any extent upwards not exceeding 3 metres except in relation to the parts of the scheduled works referred to in column (1) of the table below, where the extent of permitted upwards deviation for each such part is set out in the corresponding entry in column (2) of that table; and

(ii) to any extent downwards as may be found to be necessary or convenient.

(1)	(2)
<i>Part of scheduled work</i>	<i>Upwards vertical deviation limit</i>
Work No. 7 (excluding head house)	0.5 metres

⁽²⁰⁾ 1931 c. xciii.

⁽²¹⁾ 2006 c. 26.

(1) <i>Part of scheduled work</i>	(2) <i>Upwards vertical deviation limit</i>
Work No. 8 (shaft and adit)	0.5 metres
Work No. 8 (hatch at top of shaft)	Ground level

(2) Without limitation on the scope of paragraph (1), in constructing or maintaining the scheduled works LUL may within the limits mentioned in paragraph (1)—

- (a) deviate from their points of commencement and termination shown on the deposited plans and the deposited sections; and
- (b) deviate from the design of any tunnel or tunnel structure shown on the deposited sections and vary the number of tunnels and tunnel structures shown on the deposited sections.

(3) Regardless of the provisions of this article, Work No. 10 may not deviate laterally into any part of the land in the London Borough of Wandsworth numbered 10006 on the deposited plans.

Commencement Information

I5 Art. 5 in force at 15.12.2014, see [art. 1](#)

Stations

6.—(1) LUL may construct, maintain and operate stations on the specified lands, or on some of them, and LUL may construct, maintain and operate all necessary works and conveniences connected with those stations.

(2) The works and conveniences referred to in paragraph (1) include the ventilation shafts shown on the deposited sections.

(3) Nothing contained in the Covent Garden Market Act 1966⁽²²⁾ applies to any station provided by LUL under the powers conferred by this article.

(4) In paragraph (1) “the specified lands” means the land in the London Borough of Lambeth numbered 30331, 30332, 30341, 30355, 30369, 40014, 40017, 40105, 40110, 40115, 40120, 40135, 40140 and 40145 on the deposited plans and the land in the London Borough of Wandsworth numbered 20200, 20201, 20205, 20215 and 20235 on the deposited plans.

Commencement Information

I6 Art. 6 in force at 15.12.2014, see [art. 1](#)

Streets

Power to alter layout, etc., of streets

7.—(1) LUL may for the purposes of the authorised works alter the layout of any street within the Order limits and the layout of any street abutting the Order limits or which has a junction with such a street and without limitation on the scope of this power LUL 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;

(22) 1966 c. i.

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- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) carry out works for the provision, removal, suspension or alteration of parking places, loading bays, bus lanes, bus stop clearways and bus laybys.

(2) The powers conferred by paragraph (1) in relation to any street abutting the Order limits or which has a junction with such a street must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

Commencement Information

I7 Art. 7 in force at 15.12.2014, see [art. 1](#)

Power to keep apparatus in streets

8.—(1) LUL may, for the purposes of or in connection with the construction, maintenance and use of the authorised works, alter, move, remove, place and maintain in any street within the Order limits any work, equipment or apparatus including foundations, road islands, substations, electric lines and any electrical or other apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act;
- (b) “electric line” has the meaning given by section 64(1) of the Electricity Act 1989⁽²³⁾; and
- (c) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

Commencement Information

I8 Art. 8 in force at 15.12.2014, see [art. 1](#)

Power to execute street works

9. LUL may, for the purposes of and to the extent necessary for the construction of the authorised works, enter upon any of the streets within the Order limits and any street abutting the Order limits or which has a junction with such a street and break up or open the street, or any sewer, drain or tunnel under it, or tunnel or bore under the street.

Commencement Information

I9 Art. 9 in force at 15.12.2014, see [art. 1](#)

Temporary stopping up and diversion of streets

10.—(1) LUL may, during and for the purposes of the execution of the authorised works temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(23) 1989 c. 29.

(2) Without limitation on the scope of paragraph (1), LUL may use any street stopped up under the powers conferred by this article within the Order limits as a temporary working site.

(3) LUL must provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without limitation on the scope of paragraph (1), LUL may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (2) of Schedule 2 (streets to be temporarily stopped up) to the extent specified in column (3) of that Schedule.

(5) LUL must not exercise the powers conferred by this article—

- (a) in relation to any street specified in Schedule 2 without first consulting the street authority; and
- (b) in relation to any other street, without the consent of the street authority, which may attach reasonable conditions to any consent, but the consent must not be unreasonably withheld.

(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Commencement Information

I10 Art. 10 in force at 15.12.2014, see [art. 1](#)

Access to works

11. LUL may, for the purposes of the authorised works—

- (a) form and lay out means of access, or alter or improve existing means of access, in the locations marked on the deposited plans; and
- (b) form and lay out such other means of access or alter or improve existing means of access at such locations within the Order limits as LUL reasonably requires for the purposes of the authorised works, as may be approved by the highway authority, but such approval must not be unreasonably withheld.

Commencement Information

I11 Art. 11 in force at 15.12.2014, see [art. 1](#)

Agreements with street authorities

12.—(1) A street authority and LUL may enter into agreements with respect to—

- (a) the strengthening or improvement of any street under the powers conferred by this Order;
- (b) the maintenance of any street or of the structure of any bridge or tunnel carrying a street over or under the authorised railway;
- (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
- (d) the execution in the street of any of the works referred to in article 9 (power to execute street works).

(2) Such an agreement may, without limitation on the scope of paragraph (1)—

- (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and

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(b) contain such terms as to payment and otherwise as the parties consider appropriate.

Commencement Information

I12 Art. 12 in force at 15.12.2014, see [art. 1](#)

Use of private roads for construction

13.—(1) LUL may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised works.

(2) LUL must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 of the 1961 Act.

Commencement Information

I13 Art. 13 in force at 15.12.2014, see [art. 1](#)

The River Thames

Works in the river

14.—(1) Without affecting the other powers conferred by this Order or otherwise available to it, LUL may within the river area for the purposes of or in connection with the construction of the authorised works and despite any interference with any public or private rights—

- (a) alter, clean, dismantle, refurbish, remove, relocate or replace any work or structure;
- (b) carry out excavations and clearance, dredging, deepening, scouring, cleansing, dumping and pumping operations;
- (c) use, appropriate, sell, deposit or otherwise dispose of any materials (including liquids but excluding any wreck within the meaning of the Merchant Shipping Act 1995(24)) obtained by it in carrying out any such operations;
- (d) remove or relocate any mooring;
- (e) remove and relocate any vessel or structure sunk, stranded, abandoned, moored or left (whether lawfully or not);
- (f) temporarily moor or anchor vessels and structures and load and unload into and from such vessels or structures equipment, machinery, soil and any other materials in connection with the construction of the authorised works;
- (g) temporarily remove, alter, strengthen, interfere with, occupy and use the banks, bed, foreshore, waters and walls of the River Thames; and
- (h) construct, place and maintain works and structures including piled fenders and protection piles,

in such manner and to such extent as may appear to it to be necessary or convenient.

(24) 1995 c. 21.

(2) LUL may not exercise any of the powers conferred by paragraph (1)(h) in, on or over the land in the London Borough of Wandsworth numbered 10006 on the deposited plans without the prior consent of the Port of London Authority, such consent not to be unreasonably withheld.

(3) Except in the case of an emergency, LUL must use its reasonable endeavours to notify the owner of any mooring and the owner or master of any vessel or structure affected by the proposal to exercise the powers conferred by paragraph (1)(d) or (e) before the exercise of those powers.

(4) A person may not without the consent in writing of LUL (which may be given subject to conditions)—

- (a) use, for the purpose of landing or embarking persons or landing or loading goods from or into any vessel, any work constructed or used in connection with the authorised works; or
- (b) remove, move or otherwise interfere with any work, machinery, apparatus, tools or other things in use or intended for use in constructing the authorised works.

(5) A person who without reasonable excuse contravenes paragraph (4), or fails to comply with any conditions attached to a consent given by LUL under that paragraph, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) The power to dredge conferred by paragraph (1)(b) includes the power to carry out such additional dredging as may be required to provide side slopes or otherwise secure the dredged area against siltation, scouring or collapse.

(7) No materials dredged up or removed by LUL in exercise of the powers conferred by paragraph (1)(b) may be deposited except in accordance with a marine licence granted under Part 4 of the 2009 Act in any case where a marine licence is required by that Act.

Commencement Information

I14 Art. 14 in force at 15.12.2014, see [art. 1](#)

Supplemental powers

No apparatus in the tunnels without consent

15.—(1) Regardless of anything contained in any other enactment, no person is to enter upon, break up or interfere with the tunnels or any part of the tunnels for the purpose of placing or doing anything in or in relation to any sewer, drain, main, pipe, wire or other apparatus or executing any work except with the written consent of LUL and in accordance with such terms and conditions as LUL may determine.

(2) In paragraph (1) “the tunnels” means the tunnels comprised in the authorised railway.

Commencement Information

I15 Art. 15 in force at 15.12.2014, see [art. 1](#)

Discharge of water

16.—(1) LUL may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

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(2) Any dispute arising from the exercise of the powers conferred by paragraph (1) to connect to or use a public sewer or drain is to be determined as if it were a dispute under section 106 of the Water Industry Act 1991⁽²⁵⁾.

(3) LUL must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but must not be unreasonably withheld.

(4) LUL must not make any opening into any public sewer or drain except—

(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and

(b) where that person has been given the opportunity to supervise the making of the opening.

(5) LUL must not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) LUL must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension or any other potentially polluting material.

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010⁽²⁶⁾.

(8) If a person who receives an application for consent or approval fails to notify LUL of a decision within 28 days of receiving that application for consent under paragraph (3) or approval under paragraph (4)(a) then that person is deemed to have granted consent or given approval, as the case may be.

(9) In this article, other than references to “public sewer or drain” or “watercourse”, expressions used both in this article and in the Water Resources Act 1991⁽²⁷⁾ have the same meaning as in that Act.

Commencement Information

I16 Art. 16 in force at 15.12.2014, see [art. 1](#)

Water abstraction

17.—(1) The restriction imposed by section 24(1) of the Water Resources Act 1991⁽²⁸⁾ (restriction on abstraction of water) does not apply in relation to the abstraction of water for the purposes of, or in connection with, the construction of the authorised works.

(2) Section 48A(1) of the Water Resources Act 1991⁽²⁹⁾ (duty not to cause loss or damage to another by the abstraction of water) does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Order.

(3) Where—

(a) LUL causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Order; and

⁽²⁵⁾ 1991 c. 56. Section 106 was amended by sections 35(1) and (8) and 43(2) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

⁽²⁶⁾ S.I. 2010/675.

⁽²⁷⁾ 1991 c. 57.

⁽²⁸⁾ 1991 c. 57.

⁽²⁹⁾ Section 48A was inserted by section 24(1) of the Water Act 2003 (c. 37).

(b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of the Water Resources Act 1991, but for paragraph (2), LUL must compensate the other person for the loss or damage.

(4) Compensation under paragraph (3) is to be assessed on the same basis as damages for breach of the duty under section 48A(1) of the Water Resources Act 1991.

(5) Section 48A(5) of the Water Resources Act 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under this article or under Part 3 of Schedule 8 (protection for the Environment Agency).

(6) In this article, “abstraction” has the same meaning as in the Water Resources Act 1991.

Commencement Information

117 Art. 17 in force at 15.12.2014, see [art. 1](#)

Protective works to buildings

18.—(1) Subject to the following provisions of this article, LUL may at its own expense and from time to time carry out such protective works to any building lying within the Order limits as LUL considers to be necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the construction in the vicinity of the building of any part of the authorised works; or
- (b) after the completion of the construction of that part of the authorised works, at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised LUL may (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage and place on, leave on and remove from the land monitoring apparatus.

(4) For the purpose of carrying out protective works under this article to a building LUL may (subject to paragraphs (5) and (6)) with all necessary plant and equipment—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land adjacent to the building, enter the adjacent land,

and in either case LUL may take exclusive possession of the building and land if this is reasonably required for the purpose of carrying out the protective works.

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building;
- (c) a right under paragraph (4)(a) to enter and take possession of a building or land; or
- (d) a right under paragraph (4)(b) to enter and take possession of land,

LUL must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days’ notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question of whether it is necessary or expedient to

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carry out the protective works or to enter and take possession of the building or land to be referred to arbitration under article 48 (arbitration).

(7) LUL must compensate the owners and occupiers of any building or land in relation to which the powers conferred by this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use, it appears that the protective works are inadequate to protect the building against damage caused by the construction or operation of that part of the works,

LUL must compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without affecting article 47 (no double recovery), nothing in this article relieves LUL from any liability to pay compensation under section 10(2)(30) of the 1965 Act (further provision as to compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) In this article “protective works”, in relation to a building, means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
- (c) any works the purpose of which is to secure the safe operation of the authorised works or to prevent or minimise the risk of such operation being disrupted.

Commencement Information

I18 Art. 18 in force at 15.12.2014, see [art. 1](#)

Planning permission

19. Any planning permission which is deemed by a direction given under section 90(2A)(31) of the 1990 Act (development with government authorisation) to be granted in relation to the authorised works is to be treated as specific planning permission for the purposes of section 264(3)(a) of that Act (cases in which land is to be treated as operational land for the purposes of that Act).

Commencement Information

I19 Art. 19 in force at 15.12.2014, see [art. 1](#)

Power to survey and investigate land, etc.

20.—(1) LUL may for the purposes of this Order—

(30) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(31) Section 90(2A) was inserted by section 16(1) of the Transport and Works Act 1992 (c. 42).

- (a) survey or investigate any land within the Order limits;
 - (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions as LUL thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
 - (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on any such land;
 - (d) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (c); and
 - (e) enter on the land for the purpose of exercising any of the powers conferred by sub-paragraphs (a) to (d).
- (2) No land may be entered, or equipment placed or left on or removed from the land under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.
- (3) Any person entering land under this article on behalf of LUL—
- (a) must, if so required, before or after entering the land produce written evidence of authority to do so; and
 - (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes are to be made under this article—
- (a) in a carriageway or footway without the consent of the highway authority; or
 - (b) in a private street without the consent of the street authority,
- but such consent must not be unreasonably withheld.
- (5) LUL must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.
- (6) If either a highway authority or a street authority fails to notify LUL of its decision within 14 days of receiving the application for consent under paragraph (4), that authority is deemed to have granted consent.

Commencement Information

I20 Art. 20 in force at 15.12.2014, see [art. 1](#)

Power to lop trees overhanging the authorised works

21.—(1) LUL may fell or lop any tree or shrub near any part of the authorised works, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised works or any apparatus used on the authorised works; or
- (b) from constituting a danger to passengers or other persons using the authorised works.

(2) In exercising the powers conferred by paragraph (1), LUL must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

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Commencement Information

I21 Art. 21 in force at 15.12.2014, see [art. 1](#)

Obstructing construction of the authorised works

22. Any person who, without reasonable excuse—

- (a) obstructs any person acting under the authority of LUL in constructing any of the authorised works; or
- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of LUL,

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

Commencement Information

I22 Art. 22 in force at 15.12.2014, see [art. 1](#)

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

23.—(1) LUL may acquire compulsorily so much of the land shown on the deposited plans within the limits of deviation and described in the book of reference as may be required for the purposes of the authorised works and may use any land so acquired for those purposes or for any other purposes that are ancillary to its undertaking.

(2) This article is subject to article 28 (subsoil or new rights only to be acquired under or in certain lands).

Commencement Information

I23 Art. 23 in force at 15.12.2014, see [art. 1](#)

Application of Part 1 of the 1965 Act

24.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(32) applies; and
- (b) as if this Order were a compulsory purchase order made under that Act.

(32) 1981 c. 67.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

Commencement Information

I24 Art. 24 in force at 15.12.2014, see [art. 1](#)

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

25.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(**33**) applies to LUL as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) substitute—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.

(5) In that section, for subsections (5) and (6) substitute—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2).

(7) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(8) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land by article 24 (application of Part 1 of the 1965 Act).

Commencement Information

I25 Art. 25 in force at 15.12.2014, see [art. 1](#)

Power to acquire new rights, etc.

26.—(1) LUL may acquire compulsorily such easements or other rights over any land referred to in article 23 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) LUL may impose restrictive covenants affecting any land referred to in article 23 as may be required for the purpose of protecting the authorised railway.

(3) Subject to section 8 of the 1965 Act (other provisions as to divided land) (as substituted by paragraph 5 of Schedule 3 (modification of compensation and compulsory purchase enactments for creation of new rights)), where LUL acquires a right over land or the benefit of a restrictive covenant over land under paragraph (1) or (2) LUL is not required to acquire a greater interest in that land.

(4) Schedule 3 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article or article 28 (subsoil or new rights only to be acquired under or in certain lands) of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(5) Paragraph (6) applies to land to which this article applies and which is used for the relocation of any apparatus which it is expedient to divert or replace in consequence of the carrying out of the authorised works.

(6) In relation to the land to which this paragraph applies, the power to acquire or create easements or other rights under paragraph (1) is to be treated as also authorising the acquisition or creation by a statutory undertaker in any case where the Secretary of State gives consent in writing for that acquisition or creation.

(7) The reference in paragraph (6) to a “statutory undertaker” means a licence holder within the meaning of Part 1 of the Electricity Act 1989⁽³⁴⁾, a gas transporter within the meaning of Part 1 of the Gas Act 1986⁽³⁵⁾, a water undertaker within the meaning of the Water Industry Act 1991⁽³⁶⁾, a sewerage undertaker within the meaning of Part 1 of that Act, any local authority which is a relevant local authority for the purposes of section 97 (performance of sewerage undertaker’s functions by local authorities, etc.) of that Act and a public communications provider within the meaning of section 151 (interpretation of Chapter 1) of the Communications Act 2003⁽³⁷⁾.

Commencement Information

I26 Art. 26 in force at 15.12.2014, see [art. 1](#)

Power to acquire subsoil only

27.—(1) LUL may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in article 23 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where LUL acquires any part of or rights in the subsoil of land under paragraph (1) LUL is not required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent article 34 (acquisition of part of certain properties) from applying where LUL acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

⁽³⁴⁾ 1989 c. 29.

⁽³⁵⁾ 1986 c. 44.

⁽³⁶⁾ 1991 c. 56.

⁽³⁷⁾ 2003 c. 21.

Commencement Information

I27 Art. 27 in force at 15.12.2014, see [art. 1](#)

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

28.—(1) This article applies to the land specified in Schedule 4 (acquisition of subsoil and new rights only).

(2) In the case of the land specified in Part 1 of Schedule 4, LUL’s power of compulsory acquisition under article 23 (power to acquire land) is limited to the acquisition of, or the acquisition of such easements or other new rights or the imposition of restrictive covenants over, so much of the subsoil of the land as LUL may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(3) Where LUL acquires any part of, or acquires easements or other new rights or imposes restrictive covenants over the subsoil of land specified in Part 1 of Schedule 4, article 26(3) (power to acquire new rights, etc.) applies to the same extent as it applies to the acquisition of a new right under that article.

(4) In the case of the land specified in Part 2 of Schedule 4, LUL’s power of compulsory acquisition under article 23 is limited to the acquisition of such easements or other new rights in the land or the imposition of such restrictive covenants over the land as it may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(5) Where LUL acquires easements or other new rights or imposes restrictive covenants over the land specified in Part 2 of Schedule 4, article 26(3) applies to the same extent as it applies to the acquisition of a new right under that article.

(6) In the case of the land specified in Part 3 of Schedule 4, LUL’s power of compulsory acquisition under article 23 is limited at surface level and above to the acquisition of such easements or other new rights in the land or the imposition of such restrictive covenants over the land as it may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(7) Where LUL acquires easements or other new rights or imposes restrictive covenants over the land specified in Part 3 of Schedule 4, article 26(3) applies to the same extent as it applies to the acquisition of a new right under that article.

(8) References in this article to the subsoil of land are references to the subsoil lying 9 metres or more beneath the level of the surface of the land except in the case of the land set out in the table below, where the references are to the subsoil lying at and below the depth specified in the table beneath the level of the surface of the land.

<i>Number of land shown on the deposited plans</i>	<i>Depth beneath the level of the surface of the land</i>
20185	2 metres
20030, 20040, 20060, 20075, 20100, 20102, 20111, 20115, 20126, 20150, 20170 and 20178	4 metres
70005	5 metres
60710, 60720, 60725, 60730, 60810, 60815, 60820, 60825, 60830, 60840, 60850, 60885, 60890, 60900, 60910, 60955, 60975, 60980, 60990, 60995, 61005, 61010, 61020, 61025, 61035, 61040, 61045, 61050,	6 metres

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<i>Number of land shown on the deposited plans</i>	<i>Depth beneath the level of the surface of the land</i>
61055, 61060, 61065, 61070, 61080, 61142, 61155, 61160, 61165, 61170, 61175, 61180, 61190 and 61200	
20050, 20240, 20285, 20325, 20335, 20340, 20345, 20365, 20370, 20375, 20380, 20385, 20405, 20410, 20425, 20430, 20450, 20465, 20471, 20475, 20480, 20500, 20505, 30006, 30010, 30015, 30020, 30025, 30045, 30046, 30050, 30055, 30060, 30080, 30085, 30105, 30120, 30125, 30135 and 30145	7 metres
61555, 61565, 61575, 61655, 61665, 61675, 61680, 61685, 61695, 61710, 61720, 61730, 61740, 61750, 61760, 61770, 61825, 61830, 61840, 61850, 61860, 61870, 61880, 61890, 61900, 61910, 61915, 61930, 61940, 61950, 61960, 61970, 61980, 61990, 62000, 62018, 62020, 62025, 62030, 62035, 62040, 62045, 62050 and 70010	8 metres

- (9) For the purposes of paragraph (8) “the level of the surface of the land” means—
- in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
 - in the case of a river, dock, canal, navigation, watercourse or other water area, the level of the surface of the ground nearest to it which is at all times above water level; or
 - in any other case, ground surface level.

Commencement Information

I28 Art. 28 in force at 15.12.2014, see [art. 1](#)

Rights under or over streets

29.—(1) LUL may enter upon and appropriate so much of the surface or subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the surface, subsoil or air-space for those purposes or any other purpose ancillary to its undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without LUL being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without LUL acquiring any part of that person’s interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

- any subway or underground building; or
- any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing of cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Commencement Information

I29 Art. 29 in force at 15.12.2014, see [art. 1](#)

Temporary possession of land

Temporary use of land for construction of works

30.—(1) Subject to paragraph (2), LUL may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of—
 - (i) the land specified in columns (1) and (2) of Schedule 5 (land of which temporary possession may be taken) and shown on the deposited plans as within the limits of land to be used only temporarily, for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works (or any of those works) so specified in column (4) of that Schedule; and
 - (ii) any of the land within the limits of deviation in respect of which no notice of entry has been served under section 11 of the 1965 Act⁽³⁸⁾ (powers of entry) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (execution of declaration), except for the surface of the land listed in Schedule 6 (land at surface level of which temporary possession may not be taken);
- (b) remove any buildings, apparatus and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on the land; and
- (d) construct any works in relation to that land as are mentioned in Schedule 1 (scheduled works) or article 14 (works in the river), and any other works that are required.

(2) Regardless of paragraph (1), LUL may not under this article take exclusive possession of the river area but may only possess the river area subject to the supervision of the Harbour Master at such times and in such places and such manner as is necessary for LUL safely to carry out any of the authorised works under Schedule 1 (scheduled works) or article 14 (works in the river). At times and places where LUL is not actively carrying on such authorised works, the public right of navigation in the river area continues.

(3) Not less than 14 days before entering upon and taking temporary possession of land under this article LUL must serve notice of the intended entry on the owners and occupiers of the land.

(4) LUL may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in columns (1) and (2) of Schedule 5, after the end of the period of 2 years beginning with the date of completion of the works specified in relation to that land in column (4) of that Schedule; or
- (b) in the case of land within the limits of deviation, after the end of the period of 2 years beginning with the date of completion of the works for which temporary possession of the land was taken unless LUL has, before the end of that period, served a notice of entry

⁽³⁸⁾ Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

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under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(5) Subject to paragraph (6), before giving up possession of land of which temporary possession has been taken under this article, LUL must remove all temporary works above a level 1 metre below the surface of the ground and restore the land above that level to the reasonable satisfaction of the owners of the land; but LUL is not required to replace a building removed under this article or restore the land on which any permanent works have been constructed under paragraph (1)(d).

(6) Where under article 14(1)(h) or as part of Work No. 10 any piled fenders have been placed in the river area, LUL may not cut off those fenders but before giving up possession of land in which those fenders are placed LUL must remove them entirely or, if those fenders are within the scope of a licence granted under section 68 of the 1968 Act, may give up possession of that land with those fenders left wholly intact.

(7) LUL must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(9) Without affecting article 47 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(39) of the 1965 Act (further provision as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where LUL takes possession of land under this article, LUL is not required to acquire the land or any interest in it.

(11) Section 13(40) of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 24(1) (application of Part 1 of the 1965 Act).

Commencement Information

I30 Art. 30 in force at 15.12.2014, see [art. 1](#)

Temporary use of land for maintenance of works

31.—(1) Subject to paragraphs (2) and (3), at any time during the maintenance period relating to any of the scheduled works, LUL may—

- (a) enter upon and take temporary possession of any land within the limits of deviation, except the land at surface level mentioned in Schedule 6 (land at surface level of which temporary possession may not be taken), if such possession is reasonably required for the purpose of maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Regardless of paragraph (1), LUL may not under this article take exclusive possession of the river area but may only possess the river area subject to the supervision of the Harbour Master

(39) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(40) Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part 3 of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

at such times and in such places and such manner as is necessary for LUL safely to carry out any of the authorised works under Schedule 1 (scheduled works) or article 14 (works in the river). At times and places where LUL is not actively carrying on such authorised works, the public right of navigation in the river area continues.

(3) Paragraph (1) does not authorise LUL to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(4) Not less than 28 days before entering upon and taking temporary possession of land under this article LUL must serve notice of the intended entry on the owners and occupiers of the land.

(5) LUL may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of works for which possession of the land was taken.

(6) Before giving up possession of land of which temporary possession has been taken under this article, LUL must remove all temporary works above a level 1 metre below the surface of the ground and restore the land above that level to the reasonable satisfaction of the owners of the land.

(7) LUL must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(9) Without affecting article 47 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provision as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where LUL takes possession of land under this article, LUL is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 24(1) (application of Part 1 of the 1965 Act).

(12) In this article “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for use.

Commencement Information

I31 Art. 31 in force at 15.12.2014, see [art. 1](#)

Compensation

Disregard of certain interests and improvements

32.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land under this Order, the tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

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if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Commencement Information

I32 Art. 32 in force at 15.12.2014, see [art. 1](#)

Set-off for enhancement in value of retained land

33.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land which belongs to that person in the same capacity which will accrue to that person by reason of the construction and use of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any new rights in land (including the subsoil) under article 26 (power to acquire new rights, etc.), the tribunal must set off against the value of the right so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land which belongs to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

Commencement Information

I33 Art. 33 in force at 15.12.2014, see [art. 1](#)

Supplementary

Acquisition of part of certain properties

34.—(1) This article applies instead of section 8(1)(41)(other provisions as to divided land) of the 1965 Act (as applied by article 24 (application of Part 1 of the 1965 Act)) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on LUL a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(41) Section 8 was amended by [S.I. 2009/1307](#).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner must sell only the land subject to the notice to treat is, unless LUL agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which LUL is authorised to acquire compulsorily under this Order.

(8) If LUL agrees to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which LUL is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, LUL may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, LUL must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Commencement Information

I34 Art. 34 in force at 15.12.2014, see [art. 1](#)

Extinction or suspension of private rights of way

35.—(1) Subject to paragraph (6), all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by LUL, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by LUL under section 11(1)(**42**) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to paragraph (6), all private rights of way over land owned by LUL which, being within the limits of deviation, is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by LUL.

(3) Subject to paragraph (6), all private rights of way over land of which LUL takes temporary possession under this Order are suspended and unenforceable for as long as LUL remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act(**43**) (extinguishment of rights of statutory undertakers, etc.), or paragraph 4(3) or paragraph 44(2) of Schedule 8 (protective provisions) applies.

(6) Paragraphs (1), (2) and (3) have effect subject to—

- (a) any notice given by LUL before—
 - (i) the completion of the acquisition of;
 - (ii) LUL's appropriation of;
 - (iii) LUL's entry onto; or
 - (iv) LUL's taking temporary possession of,

the land, that any or all of those paragraphs do not apply to any right of way specified in the notice; and

- (b) any agreement which makes reference to this article made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) between LUL and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is mentioned in sub-paragraph (6)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(42) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

(43) Section 272 was amended by paragraphs 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

Commencement Information

I35 Art. 35 in force at 15.12.2014, see [art. 1](#)

Time limit for exercise of powers of acquisition

36.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act, as applied to the acquisition of land by article 24 (application of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981⁽⁴⁴⁾, as applied by article 25 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 30 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1); but nothing in this paragraph prevents LUL from remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

Commencement Information

I36 Art. 36 in force at 15.12.2014, see [art. 1](#)

PART 4

OPERATION OF AUTHORISED WORKS

Power to operate and use the authorised works

37. LUL may operate and use the authorised works as a system, or part of a system, of transport for the carriage of passengers.

Commencement Information

I37 Art. 37 in force at 15.12.2014, see [art. 1](#)

PART 5

PROTECTIVE PROVISIONS

Statutory undertakers, etc.

38. The provisions of Schedule 7 (provisions relating to statutory undertakers, etc.) have effect.

⁽⁴⁴⁾ 1981 c. 66.

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Commencement Information

I38 Art. 38 in force at 15.12.2014, see [art. 1](#)

Protection of interests

39. The provisions of Schedule 8 (protective provisions) have effect.

Commencement Information

I39 Art. 39 in force at 15.12.2014, see [art. 1](#)

PART 6

MISCELLANEOUS AND GENERAL

Temporary traffic regulation

40.—(1) Subject to the provisions of this article LUL may, for the purposes of and during construction of the authorised works—

- (a) permit, suspend or modify the use as a parking place those roads specified in column (1) of Part 1 of Schedule 9 (temporary traffic regulation), along the lengths, between the points and to the extent specified in columns (2) and (3) of that Part of that Schedule, for the purposes specified in column (4) of that Part of that Schedule;
- (b) suspend or convert the operation of the bus lanes on the roads specified in column (1) of Part 2 of Schedule 9, along the lengths, between the points and to the extent specified in columns (2) and (3) of that Part of that Schedule, for the purposes specified in column (4) of that Part of that Schedule;
- (c) suspend or install the pedestrian crossings on the roads specified in column (1) of Part 3 of Schedule 9, at the locations specified in columns (2) and (3) of that Part of that Schedule, for the purposes specified in column (4) of that Part of that Schedule; and
- (d) so far as may be necessary or expedient for the purposes of or in connection with construction of the authorised works—
 - (i) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
 - (ii) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
 - (iii) suspend or authorise the use as a parking place of any road;
 - (iv) make provision as to the direction or priority of vehicular traffic on any road; and
 - (v) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by LUL.

(2) The powers conferred by paragraph (1)(d) may only be exercised after LUL has consulted the chief officer of police, the traffic authority and such other persons as it considers necessary and appropriate, after LUL has taken into consideration any representations made to it by any such persons and after LUL has obtained the consent of the traffic authority in whose area the road concerned is situated (which must not be unreasonably withheld).

(3) LUL must not exercise the powers conferred by this article in relation to any road unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention to do so to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may, within 7 days of its receipt of notice of LUL's intention, specify in writing.

(4) Any prohibition, suspension or other provision made by LUL under paragraph (1) has effect as if duly made by, as the case may be—

- (a) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
- (b) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 9) to which the prohibition, restriction or other provision is subject.

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by LUL from time to time by subsequent exercise of the powers conferred by paragraph (1).

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(7) The powers conferred on LUL by this article with respect to any road have effect subject to any agreement entered into by LUL with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

Commencement Information

I40 Art. 40 in force at 15.12.2014, see [art. 1](#)

Powers of disposal, agreements for operation, etc.

41.—(1) LUL may, with the consent of the Mayor of London sell, lease, charge or otherwise dispose of, on such terms and conditions as it thinks fit, the whole or any part of the authorised works and any land held in connection with them.

(2) Without limitation on the scope of paragraph (1), LUL may enter into and carry into effect agreements with respect to any of the following matters, namely, the construction, maintenance, use and operation of the authorised works, or any part or parts of them, by any other person, and other matters incidental or subsidiary to, or consequential on those matters, and the defraying of, or the making of contributions towards, the cost of those matters by LUL or any other person.

(3) Any agreement under paragraph (2) may provide, amongst other things, for the exercise of the powers of LUL in respect of the authorised works or any part of them, and for the transfer to any person of the authorised works or any part of them together with the rights and obligations of LUL in relation to them.

(4) The exercise of the powers conferred by any enactment by any person further to any sale, lease, charge or disposal under paragraph (1), or any agreement under paragraph (2), is subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by LUL.

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(5) Sections 163 (restrictions on disposal of land) and 207(2) (restrictions on contracting out certain services) of the Greater London Authority Act 1999(45) do not apply to the disposal of any freehold interest in land or the grant of a leasehold interest in land where consent for such disposal or grant is required under paragraph (1).

Commencement Information

I41 Art. 41 in force at 15.12.2014, see [art. 1](#)

Application of landlord and tenant law

42.—(1) This article applies to any agreement for leasing to any person the whole or any part of the authorised works or the right to operate those works, and any agreement entered into by LUL with any person for the construction, maintenance, use or operation of the authorised works, or any part of them, 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.

Commencement Information

I42 Art. 42 in force at 15.12.2014, see [art. 1](#)

Defence to proceedings in respect of statutory nuisance

43.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(46) (summary proceedings by person aggrieved by statutory nuisances) in relation to a nuisance falling within paragraph (g) of section 79(1)(47) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine is to be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by LUL for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to the authorised works and that the nuisance is attributable to the carrying out of the authorised works which are

(45) 1999 c. 29.

(46) 1990 c. 43. Section 82 was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and paragraph 6 of Schedule 17 to the Environment Act 1995 (c. 25).

(47) Section 79(1) was amended by section 2(2) of the Noise and Statutory Nuisance Act 1993, section 120 of, and paragraph 2(a) of Schedule 17 and paragraph 89(2) of Schedule 2 to, the Environment Act 1995, sections 101(2) and 102(2) of the Clean Neighbourhoods and Environment Act 2005 (c. 16) and sections 109(2), 110(2), 111(2) and 112(2)(a) of the Public Health etc. (Scotland) Act 2008 (asp. 5).

being carried out in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61(48) (prior consent for work on construction sites) or section 65(49) (noise exceeding registered level), of the Control of Pollution Act 1974(50); or

(b) that the nuisance is a consequence of the operation of the authorised works and that it cannot reasonably be avoided.

(2) The following provisions of the Control of Pollution Act 1974—

(a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990); and

(b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded),

do not apply where the consent relates to the use of premises by LUL for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) The provisions of this article do not affect the application to the authorised works of section 122 of the Railways Act 1993(51) (statutory authority as a defence to actions in nuisance, etc.) or any rule of common law having similar effect.

Commencement Information

I43 Art. 43 in force at 15.12.2014, see [art. 1](#)

Disclosure of confidential information

44. A person who—

(a) enters a factory, workshop or workplace under the provisions of article 18 (protective works to buildings) or article 20 (power to survey and investigate land, etc.); and

(b) discloses to any person any information obtained as a result of that entry and relating to any manufacturing process or trade secret,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which the person was authorised to enter the land.

Commencement Information

I44 Art. 44 in force at 15.12.2014, see [art. 1](#)

Certification of plans, etc.

45. LUL must, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited plans and the deposited sections to the Secretary of State for certification that they are respectively, true copies of the book of reference, the deposited plans and the deposited

(48) Section 61 was amended by Schedule 7 to the Building Act 1984 (c. 55), paragraph 15(3) of Schedule 15 to the Environmental Protection Act 1990 (c. 43), Schedule 24 to the Environment Act 1995 and paragraph 10 of Schedule 6 to the Building (Scotland) Act 2003 (asp. 8).

(49) Section 65 was amended by paragraph 15(4) of Schedule 15 to the Environmental Protection Act 1990 and Schedule 24 to the Environment Act 1995.

(50) 1974 c. 40.

(51) 1993 c. 43. As amended by the Transport Act 2000 (c. 38) and the Railways Act 2005 (c. 14).

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sections, and a document so certified is admissible in any proceedings, as evidence of the contents of the document of which it is a copy.

Commencement Information

I45 Art. 45 in force at 15.12.2014, see [art. 1](#)

Service of notices

46.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978⁽⁵²⁾ (references to service by post) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(52) 1978 c. 30.

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(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

Commencement Information

I46 Art. 46 in force at 15.12.2014, see [art. 1](#)

No double recovery

47. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Commencement Information

I47 Art. 47 in force at 15.12.2014, see [art. 1](#)

Arbitration

48. Any difference under any provision of this Order, unless otherwise provided for, must 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 giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Commencement Information

I48 Art. 48 in force at 15.12.2014, see [art. 1](#)

Signed by the authority of the Secretary of State

Martin Woods
Head of the Transport and Works Act Orders
Unit
Department for Transport

24th November 2014

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Changes and effects yet to be applied to :

- Sch. 8 Pt. 5 para. 55(2) words inserted by [S.I. 2017/1011 Sch. 1 para. 27\(2\)\(c\)](#) (This amendment comes into force on the day on which section 4 of, and Schedule 1 to, the Digital Economy Act 2017 come fully into force. S.I. 2017/1286, reg. 2 brought those provisions fully into force on 28.12.2017)
- Sch. 8 Pt. 5 para. 55(2) words omitted by [S.I. 2017/1011 Sch. 1 para. 27\(2\)\(a\)](#) (This amendment comes into force on the day on which section 4 of, and Schedule 1 to, the Digital Economy Act 2017 come fully into force. S.I. 2017/1286, reg. 2 brought those provisions fully into force on 28.12.2017)
- Sch. 8 Pt. 5 para. 55(2) words substituted by [S.I. 2017/1011 Sch. 1 para. 27\(2\)\(b\)](#) (This amendment comes into force on the day on which section 4 of, and Schedule 1 to, the Digital Economy Act 2017 come fully into force. S.I. 2017/1286, reg. 2 brought those provisions fully into force on 28.12.2017)
- Sch. 8 Pt. 3 para. 30(2) words substituted by [S.I. 2017/407 Sch. 4 para. 5](#)
- art. 16(7) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 74](#)