



London Underground (Green Park) Act 1994

1994 CHAPTER ix

An Act to empower London Underground Limited, for safety purposes and the relief of passenger congestion, to construct works to improve the underground station at Green Park and to acquire lands; and for connected purposes. [5th July 1994]

WHEREAS—

- (1) By the London Regional Transport Act 1984 the London Transport Executive which were established by the Transport (London) Act 1969 were reconstituted on 29th June 1984 under the name of London Regional Transport (in this Act referred to as “the Corporation”):
- (2) It is the general duty of the Corporation under the said Act of 1984, in accordance with principles from time to time approved by the Secretary of State and in conjunction with the British Railways Board, to provide or secure the provision of public passenger transport services for Greater London, and in carrying out that duty the Corporation is to have due regard to (a) the transport needs for the time being of Greater London and (b) efficiency, economy and safety of operation:
- (3) London Underground Limited (in this Act referred to as “the Company”) were incorporated as a wholly-owned subsidiary of the Corporation by virtue of the said Act of 1984 and the Companies Acts 1948 to 1981 (inter alia) to acquire and take over, as a going concern, that part of the undertaking of the Corporation responsible for operating the railway system of the Corporation (other than the Docklands Railway) and for the maintenance of such railway system and to carry on, develop and turn to account that part of that undertaking and all property and assets acquired from the Corporation in connection therewith:
- (4) By the London Regional Transport Underground Railway Asset Transfer Scheme 1985 made under the provisions of section 4 (7) of the said Act of 1984 there were transferred from the Corporation to the Company all the property, rights and liabilities comprised in those parts of the Corporation’s undertaking connected with the Corporation’s underground railway services (except as provided in the said Scheme) together with any functions under any statutory provision relating to the Corporation’s underground railway:

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- (5) In order to improve safety and to relieve passenger congestion at the Company's Green Park station it is expedient that the Company should be empowered to construct in the city of Westminster the works authorised by this Act and to purchase or use the land in that city referred to in this Act:
- (6) It is expedient that the other powers in this Act contained should be conferred on the Company as therein provided, and that the other provisions in this Act contained should be enacted:
- (7) A substituted plan and substituted sections showing the lines or situations and levels of the works to be constructed under this Act, and a substituted plan of the land authorised to be purchased or used by this Act, and a substituted book of reference to such substituted plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said land were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Westminster City Council which plan, sections and book of reference are respectively referred to in this Act as the substituted plan, the substituted sections and the substituted book of reference:
- (8) The purposes of this Act could not have been effected without the authority of Parliament when the Bill for this Act was deposited:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1 Short title

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

2 Interpretation

- (1) In this Act, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the enactments incorporated herewith have, in relation to the related subject-matter, the same respective meanings; and—
 - “the Act of 1845” means the Railways Clauses Consolidation Act 1845;
 - “the Act of 1963” means the London Transport Act 1963;
 - “the Act of 1964” means the London Transport Act 1964;
 - “the Act of 1965” means the London Transport Act 1965;
 - “the Act of 1966” means the London Transport Act 1966;
 - “the Act of 1969” means the London Transport Act 1969;
 - “the Act of 1976” means the London Transport Act 1976;
 - “the Act of 1981” means the London Transport Act 1981;
 - “the Company” means London Underground Limited;

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“the limits of deviation” means the limits of deviation shown on the substituted plan; and

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

- (2) Any reference to the London Transport Board or to the London Transport Executive in any of the provisions incorporated with this Act shall be construed as a reference to the Company.
- (3) All distances, lengths and directions stated in any description of works, powers or lands, shall be construed as if the words “or thereabouts” were inserted after each such distance, length and direction.
- (4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

3 Incorporation of general enactments

- (1) The following enactments, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—
 - (a) the Lands Clauses Acts, except sections 127 to 132 of the Lands Clauses Consolidation Act 1845; and
 - (b) the Act of 1845, except sections 7 to 9, 11 to 15, 17, 19, 20, 22, 23, 94 and 95 thereof;
- (2) For the purposes of the provisions of the Act of 1845, as incorporated with this Act—
 - (a) the expression “the company” where used in the said incorporated provisions means the Company; and
 - (b) Works Nos. 4, 4a, 4b, 4c, 5 and 5a shall be deemed to be railways authorised by the special Act.
- (3) Sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Company and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—
 - (a) Part III of the New Roads and Street Works Act 1991; or
 - (b) section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

PART II

WORKS, ETC.

4 Power to make works

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

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5 Access from Arlington Street

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

6 Power to open surface of and temporarily stop up streets

(1) The Company may for the purpose of constructing the works—

- (a) enter upon, open, break up and interfere with; and
- (b) temporarily stop up and divert;

so much of the streets specified in subsection (3) below as is within the limits of deviation and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land or building abutting on the street, from passing along and using the same.

(2) The Company shall provide reasonable access for persons on foot going bona fide to or from any such land or building.

(3) The streets referred to in subsection (1) above are—

In the city of Westminster—

- Arlington Street;
- Bennett Street;

7 Notice of interference with streets

Before breaking up or otherwise interfering with any street to which the public has access in connection with the construction of any of the works, the Company shall (except in case of emergency) give not less than 14 days' notice in writing to—

- (a) the London Fire and Civil Defence Authority; and
- (b) the chief officer of police; and make such arrangements with the chief officer of police as may be reasonably necessary so as to cause as little interference with the traffic in such street during the construction of such works as may be reasonably practicable.

8 Use of sewers, etc., for removing water

(1) The Company may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of a relevant authority in or through whose area the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation but—

- (a) the Company shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and
- (b) the Company shall not make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain is vested and approval of those plans by the relevant authority shall not be unreasonably withheld.

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(a) (a)

Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning given by section 104 of that Act as if this section were not a local statutory provision for the purposes of section 88 (1) (f) of that Act.

(b) In the exercise of their powers under this section the Company shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof within the meaning of section 113 of the Water Resources Act 1991.

(3) The Company shall take all steps reasonably required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension.

(4) Any difference arising between the Company and a relevant authority under this section shall be settled by arbitration.

(5) In this section “relevant authority” means Thames Water Utilities Limited, the National Rivers Authority or the Westminster City Council.

9 Power to deviate

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

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

10 Safeguarding works to buildings

(1) In connection with the works, the Company at their own cost may, subject as hereinafter provided, carry out safeguarding works to any building situated within 35 metres of the works and for that purpose may enter any such building or any land belonging thereto.

(2) In connection with the safeguarding works authorised by subsection (1) above, the following provisions shall have effect:—

- (a) before exercising the powers of subsection (1) above at least 14 days' notice shall, except in cases of emergency, be given to the owners, lessees and occupiers of the building in respect of which safeguarding works are proposed;
- (b) a notice shall be served in the manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845;
- (c) if any owner, lessee or occupier of any such building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such safeguarding works, the question of necessity shall be referred to and settled by arbitration;