STATUTORY INSTRUMENTS

2015 No. 2044

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The London Underground (Bank Station Capacity Upgrade) Order 2015

Made - - - -	*22nd December 2015*
Coming into force - -	*12th January 2016*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**1**) for an Order under sections 1 and 5 of the Transport and Works Act 1992(**2**) ("the 1992 Act").

The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.

The Secretary of State, having considered the objections made and not withdrawn, and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State's determination was published in the London Gazette on 18th December 2015.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 5, 7, 8, 10, 11 and 15 to 17 of Schedule 1 to, the 1992 Act makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the London Underground (Bank Station Capacity Upgrade) Order 2015 and comes into force on 12th January 2016.

(**1**) S.I 2006/1466.
(**2**) 1992 c. 42. Section 1 was amended by the Planning Act 2008 (c. 29), section 36, Schedule 2, paragraphs 51 and 52; section 5 was amended by S.I. 2012/1659.

Interpretation

2. In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**3**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**4**);

"the 1984 Act" means the Road Traffic Regulation Act 1984(**5**);

"the 1980 Act" means the Highways Act 1980(**6**);

"the 1990 Act" means the Town and Country Planning Act 1990(**7**);

"the 1991 Act" means the New Roads and Street Works Act 1991(**8**);

"the 2004 Act" means the Traffic Management Act 2004(**9**);

"the access to works and permanent stopping up of streets plan" means the plan certified by the Secretary of State as the access to works and permanent stopping up of streets plan for the purposes of this Order;

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

"authorised railway" means the railway forming part of the authorised works;

"authorised works" means the scheduled works and any other works authorised by this Order;

"Bank station" means the Bank Monument Station Complex comprising Bank and Monument London Underground stations which serve the Company's District, Circle, Waterloo & City, Central and Northern Lines and Bank station serving the Docklands Light Railway including all platforms, subways, passages, ticket halls and station entrances and exits serving those stations;

"building" includes any structure or erection or any part of a building, structure or erection;

"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;

"carriageway" has the same meaning as in the 1980 Act;

"the Company" means London Underground Limited (Company registration number 01900907) whose registered office is Windsor House, 42-50 Victoria Street, London SW1H 0TL;

"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;

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

"the land plan" means the plan certified by the Secretary of State as the land plan for the purposes of this Order;

"the limits of deviation" means the limits of deviation for the scheduled works shown on the works plans;

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

(**3**) 1961 c. 33.
(**4**) 1965 c. 56.
(**5**) 1984 c. 27.
(**6**) 1980 c. 66.
(**7**) 1990 c. 8.
(**8**) 1991 c. 22.
(**9**) 2004 c. 18.

"the Order limits" means the limits of land to be acquired or used shown on the land plan and described in the book of reference;

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

"pile interception works" means works to remove, modify, reconstruct, alter, replace or interfere with piles, caissons, foundations and other subterranean structures which may otherwise obstruct or interfere with the construction of Works Nos.1, 4, or 19;

"the scheduled works" means the works specified in Schedule 1 (scheduled works) or any part of them;

"the sections" means the sections certified by the Secretary of State as the sections for the purposes of this Order;

"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;

"watercourse" includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

"the works plans" means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

(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 air-space above its surface.

(3) 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.

Incorporation of Railways Clauses Acts

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(**11**) are incorporated in this Order—

section 58(**12**) (company to repair roads used by them), except for the words from "and if any question" to the end;

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words "or directed by such justices to be made by the company" and "or, in case of difference, as shall be authorised by two justices";

section 72 and 73 (supplementary provisions relating to accommodation works);

section 77 (presumption that minerals excepted from acquisition of land);

sections 78 to 85E(**13**)and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923(**14**);

section 103(**15**) and 104 (refusal to quit carriage at destination);

(**10**) 1981 c. 67.
(**11**) 1845 c. 20.
(**12**) Section 58 was amended by section 46 of, and part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101).
(**13**) Section 84, as substituted, was amended by part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48). Section 85C, as substituted, was amended by virtue of section 17(2)(a) of the Interpretation Act 1978 (c. 30).
(**14**) 1923 c. 20.
(**15**) Section 103 was amended by the Statute Law Revision Act 1892 (c. 19), part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48).

section 105 (carriage of dangerous goods on railway); and

section 145(**16**) (recovery of penalties).

(2) Section 12 (signals, watchmen etc.) of the Railways Clauses Act 1863(**17**) is incorporated in this Order.

(3) In those provisions, as incorporated in this Order—

"goods" includes any thing conveyed on the railway authorised to be constructed by this Order;

"lease" includes an agreement for a lease;

"prescribed", in relation to any such provision means prescribed by this Order for the purposes of that provision;

"the railway" means any railway authorised to be constructed by this Order and any other authorised works;

"the special Act" means this Order; and

"toll" includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be constructed by this Order.

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

4.—(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 (street works in England and Wales) of the 1991 Act 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(**18**) of the 1980 Act (dual carriageways and roundabouts).

(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 the Company.

(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);

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 resurfacing);

section 78A (contributions to costs of re-surfacing by undertaker); and

Schedule 3A (restriction on works following substantial street works).

(**16**) Section 145 was amended by the Statute Law Revision Act 1892 (c. 19) and part 2 of Schedule 12 to the Transport Act 1962 (c. 46).
(**17**) 1863 c. 92.
(**18**) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and Schedule 9 to the New Roads and Street Works Act 1991 (c. 22).

(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 the Company under the powers conferred by article 13 (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(**19**) referred to in paragraph (4) are—

section 54(**20**) (advance notice of certain works), subject to paragraph (6);

section 55(**21**) (notice of starting date of works), subject to paragraph (6);

section 57(**22**) (notice of emergency works);

section 59(**23**) (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 (5) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 15 (construction and maintenance of new or altered streets)—

(a) affects the operation of section 87 of the 1991 Act (prospectively maintainable highways); and the Company is not by reason of any duty under that article to maintain a street to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or

(b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

Disapplication and modification of legislative provisions

5. Section 6 of the Ecclesiastical Jurisdiction Measure 1963(**24**), section 7 of the Faculty Jurisdiction Measure 1964(**25**) and Part 3 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(**26**) do not apply to anything done under the powers conferred by this Order in relation to the lands numbered 108, 109 and 110 shown on the land plan.

(**19**) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
(**20**) As also amended by section 49(1) of the Traffic Management Act 2004.
(**21**) As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004.
(**22**) As also amended by section 52(3) of the Traffic Management Act 2004.
(**23**) As amended by section 42 of the Traffic Management Act 2004.
(**24**) 1963 No. 1
(**25**) 1964 No. 5
(**26**) 1991 No. 1