ELIZABETH II

1985 CHAPTER i

An Act to empower London Regional Transport to construct works and to acquire lands; to confer further powers on London Regional Transport; and for other purposes. [24th January 1985]

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 "London Transport"): 1984 c. 32. 1969 c. 35.

(2) It is the general duty of London Transport 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 London Transport shall have due regard to (*a*) the transport needs for the time being of Greater London and (*b*) efficiency, economy and safety of operation:

(3) It is expedient that for the purposes aforesaid London Transport should be empowered to construct the works authorised by, and to acquire the lands referred to in, this Act:

(4) It is expedient that the other powers in this Act contained should be conferred upon London Transport and that the other provisions in this Act contained should be enacted:

(5) A plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands, 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 Greater London Council, which plan, sections and book of reference are respectively referred to in this Act as the deposited plan, the deposited sections and the deposited book of reference:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the London Transport (Tower Hill) Act 1985.

Interpretation.

2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

"the Act of 1845" means the Railways Clauses Consolidation Act 1845;

1845 c. 20.

1863 c. 92. "the Act of 1863" means the Railways Clauses Act 1863;

1963 c. xxiv. "the Act of 1963" means the London Transport Act 1963;

1964 c. xxvi. "the Act of 1964" means the London Transport Act 1964;

1965 c. xli. "the Act of 1965" means the London Transport Act 1965;

1966 c. xxxiii. "the Act of 1966" means the London Transport Act 1966;

1969 c. l. "the Act of 1969" means the London Transport Act 1969;

1976 c. xxxvii. "the Act of 1976" means the London Transport Act 1976;

1978 c. xv. "the Act of 1978" means the London Transport Act 1978;

PART I
—cont.

"the Act of 1981" means the London Transport Act 1981;

"the limits of deviation" means the limits of deviation shown on the deposited plan; 1981 c. xxxii.

"London Transport" means London Regional Transport;

"the works" means the works authorised by Part II (Works) of this Act.

(2) Any reference to the London Transport Board in any of the provisions incorporated with this Act under section 8 (Incorporation of provisions relating to works), section 13 (Incorporation of provisions relating to lands) and section 14 (Incorporation of protective provisions) of this Act shall be construed as a reference to London Transport.

(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.

Incorporation of general Acts.

3. The following Acts and Part of an Act, 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 133 of the Lands Clauses Consolidation Act 1845; 1845 c. 18.

(*b*) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 94 and 95 thereof; and

(*c*) Part I (relating to construction of a railway), except sections 13, 15, 18 and 19, of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act—

(A) the expression "the company" where used in the said incorporated provisions means London Transport;

(B) "the works" shall be deemed to be railways authorised by the special Act;

(ii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to

PART I —*cont.*

regulate the relations between London Transport and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

(A) by the provisions of Part II of the Public Utilities Street Works Act 1950; or

1950 c. 39.

(B) by the provisions of section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

PART II

WORKS

Power to make works.

4. Subject to the provisions of this Act, London Transport may, in the lines or situations shown on the deposited plan and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In Greater London—

In the London borough of Tower Hamlets—

at Tower Hill station of London Transport's Circle Line and District Line railways—

(New ticket hall and staircase at Tower Hill station)

Work No. 1 A new ticket hall and staircase (37 metres in length) leading to the westbound island platform;

(Staircase and subway at Tower Hill station)

Work No. 2 A staircase and subway (25 metres in length) leading to the eastbound platform.

Power to deviate.

5. In the execution of the works, London Transport may deviate from the lines or situations thereof shown on the deposited plan to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards not exceeding two metres.

Power to stop up or occupy parts of highways.

6. Subject to the provisions of this Act, London Transport may during and in connection with the construction of Work No. 2 enter upon, open, break up and interfere with so much of the surface of the carriageway of the highway known as Trinity Square in the London borough of Tower Hamlets as lies within the limits of deviation and may during and in connection with the construction of Work No. 1 occupy so much of the public footpath leading to the public subway beneath Tower Hill in the said borough as lies within the said limits, but not so as to prevent the use by the public of the said footpath.

PART II —*cont.*

Temporary stoppage of part of Trinity Square.

7. London Transport may, during and in connection with the execution of Work No. 2, temporarily stop up and interfere with so much of the carriageway of Trinity Square in the London borough of Tower Hamlets as lies within the limits of deviation and may for any reasonable time divert the traffic therefrom and prevent all persons from passing along and using so much of the said carriageway.

Incorporation of provisions relating to works.

8. The following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 15 (Power to make trial holes);

The Act of 1965—

Section 10 (Underpinning of houses near works) except the provisos to paragraphs (4) and (6) thereof;

The Act of 1978—

Section 10 (Use of sewers, etc., for removing water):

Provided that London Transport shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 10 of the Act of 1965, as so incorporated, as not to prevent the operator of a telecommunications code system (as defined in paragraph 1 of Schedule 4 to the Telecommunications Act 1984) from having access to any telecommunication apparatus (as defined in paragraph 1 of Schedule 2 to that Act) kept installed for the purposes of that system. 1984 c. 12.

PART III
LANDS

Power to acquire lands.

9. Subject to the provisions of this Act, London Transport may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

Power to acquire new rights.

10.—(1) In this section—

"the Acts" means the Lands Clauses Acts and references to the purchase by London Transport of new rights are references to the purchase of rights to be created in favour of London Transport.

(2) London Transport may, for the purposes of constructing, maintaining, protecting, renewing and using the works, purchase compulsorily—

(*a*) so much of the land delineated upon the deposited plan and thereon numbered 3 in the London borough of

PART III —*cont.*

Tower Hamlets as they require down to the level of the upper surface of the roof of the public lavatories vested in the Greater London Council without being compellable to acquire any greater interest in such land;

(*b*) such new rights as they may require over any of the lands which may be acquired under section 9 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under subsection (2) of this section as they apply to the compulsory purchase of land so that, in appropriate contexts, references in the Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of rights in pursuance of subsection (2) of this section—

1845 c. 18.

(*a*) the Lands Clauses Consolidation Act 1845 shall have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976;

(*b*) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Temporary possession of land at Trinity Square Gardens.

11.—(1) This section applies to the land delineated on the deposited plan and thereon numbered 1 in the London borough of Tower Hamlets and comprising part of Trinity Square Gardens (hereinafter in this section referred to as "the said land").

(2) London Transport may for the purpose of constructing Works Nos. 1 and 2 enter upon and take possession temporarily of the said land after giving to the owners, lessees and occupiers thereof not less than one month's previous notice in writing and may remove any structures thereon and may construct temporary works and structures thereon for such purpose:

Provided that London Transport shall not—

(*a*) occupy the said land for more than three years; or

(*b*) be empowered to purchase compulsorily or be required to purchase the said land.

(3) Before relinquishing possession of the said land London Transport shall remove all works and structures erected by

PART III —*cont.*

them on the surface thereof and shall restore such surface of the said land and any structures removed therefrom to the reasonable satisfaction of the owners, lessees and occupiers thereof.

Period for compulsory purchase of lands and new rights.

12. The powers of London Transport for the compulsory purchase of the lands and new rights which they are authorised by this Act to acquire shall cease on 31st December 1990.

Incorporation of provisions relating to lands.

13. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 21 (Power to enter for survey or valuation);

The Act of 1964—

Section 12 (Acquisition of part only of certain properties);

Section 14 (Extinction of private rights of way);

The Act of 1965—

Section 13 (Correction of errors in deposited plans and book of reference);

The Act of 1966—

Section 14 (Power to expedite entry);

The Act of 1969—

Section 14 (Disregard of recent improvements and interests):

Provided that the provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word "acquire" there were inserted the words "or use".

PART IV

PROTECTIVE PROVISIONS

Incorporation of protective provisions.

14. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 42 (For protection of gas, water and electricity undertakers);

The Act of 1965—

Section 25 (As to works within the Metropolitan Police District);

The Act of 1969—

Section 18 (Crown rights);

The Act of 1976—

Section 13 (For protection of sewers of Thames Water Authority);

PART IV —*cont.*

The Act of 1981—

Section 17 (For protection of British Telecommunications):

Provided that—

(i) the provisions of the said section 18 of the Act of 1969, as so incorporated, shall have effect as if paragraph (*b*) of subsection (5) of that section were omitted;

(ii) the provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

(*a*) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 8 (Incorporation of provisions relating to works) of this Act; and

(*b*) in the definition of "the specified works" in paragraph (1) for the reference to the works authorised by the Act of 1976 there were substituted a reference to Works Nos. 1 and 2;

(iii) the provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if—

(*a*) for the references to Work No. 2 of the Act of 1981 there were substituted references to Works Nos. 1 and 2; and

(*b*) for the reference in paragraph (2) to section 6 (Temporary stoppage of streets) of the Act of 1981 there were substituted a reference to section 7 (Temporary stoppage of part of Trinity Square) of this Act and for the reference to a street there were substituted a reference to the part of Trinity Square described in the said section 7.

For protection of Tower Hamlets Council.

15. For the protection of the council of the London borough of Tower Hamlets (in this section referred to as "the council") the following provisions shall, unless otherwise agreed in writing between London Transport and the council, apply and have effect:—

(1) In this section—

"the borough" means the London borough of Tower Hamlets;

"highway" means any highway vested in or repairable or maintainable by the council;

"plans" includes sections, particulars and design details:

(2) Before commencing to construct any part of the work London Transport shall consult the council about—

PART IV —*cont.*

(*a*) the programme for the construction of those works so as to secure, so far as may be reasonably practicable, that the duration of any disturbance occasioned by, or in connection with, such construction shall be reduced to a minimum;

(*b*) the lands to be occupied and used by London Transport or their contractors as temporary working sites for the purpose of such construction, the period for which and the manner in which each site shall be used and the steps to be taken by London Transport in order to mitigate injury to amenity:

(3) Without prejudice to anything in the Town and Country Planning Act 1971 London Transport shall consult the council as to the routes in the borough proposed to be used by vehicles, machinery and plant, passing to or from any works under construction and of the proposed manner and method of disposing of any soil or waste material resulting from the carrying out of any operation in connection with the works; and such soil or waste material shall not be disposed of by London Transport or their contractors in the borough in any manner as shall be objected to in writing by the council: 1971 c. 78.

(4) (*a*) Before commencing to construct any part of the works which will involve interference with a highway London Transport shall consult the council as to the time when such part shall be commenced, as to the extent of the surface of the highway which it may be reasonably necessary for London Transport to occupy in the construction of such part, as to the conditions under which such part shall be constructed so as not to cause so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by London Transport except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between London Transport and the council, or in default of agreement, settled by arbitration;

(*b*) Any such highway shall be reinstated by London Transport in a manner reasonably approved by the council and to their reasonable satisfaction:

Provided that the reinstatement of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the council as soon as practicable after the completion of the temporary reinstatement and the

PART IV —*cont.*

reasonable costs incurred by the council in so doing shall be repaid by London Transport to the council:

(5) London Transport shall not exercise the powers of section 6 (Power to stop up or occupy parts of highways) or section 7 (Temporary stoppage of part of Trinity Square) of this Act with respect to any highway unless they have given to the council not less than 21 days' notice in writing of their intention so to do, except in case of emergency when such notice as is practicable shall be given:

(6) London Transport shall not, except with the consent of the council, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway (except on so much thereof as is for the time being temporarily stopped up under the powers of this Act) so as to obstruct the use of such highway by any person or, except with the like consent, deposit any soil, subsoil or materials on any highway except within a hoarding:

(7) All reasonable costs, charges and expenses incurred by the council in removing any soil or other waste materials deposited on any highway in contravention of this section shall be a debt due to the council and shall be paid by London Transport to the council:

(8) London Transport shall not remove any soil or material from any highway except such as must be excavated in the carrying out of the works:

(9) London Transport shall not deposit or cause to be deposited any soil or other waste materials emanating from any works on any land in the borough not occupied by London Transport's contractors other than with the owner's consent and in accordance with any conditions attached by the council as to the manner in which such soil or other waste materials are to be disposed:

(10) It shall not be lawful for London Transport to place any hoardings on any part of the highway except for such period as may be necessary and then only in such manner as may be reasonably necessary and the provisions of the Highways Act 1980 relating to hoardings shall apply to any hoarding erected on any part of any highway and for the purposes of the application of section 172 of the said Act of 1980 any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section:

1980 c. 66.

(11) London Transport shall not alter, disturb, or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin

PART IV —*cont.*

for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the council on or under any highway or repairable by them or the access thereto without the consent of the council and any alteration, diversion, replacement or reconstruction of any such sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid which may be necessary shall be made by the council or London Transport as the council shall think fit and any costs, charges and expenses reasonably incurred by the council in so doing shall be repaid to the council by London Transport:

(12) Where soil or other waste materials are deposited by London Transport or their contractors in connection with the works in contravention of this section, the council may recover from London Transport any expenses reasonably incurred by them in removing, and reinstating the site of, any such soil or waste materials:

(13) London Transport shall consult the council with regard to the measures to be taken for preventing the works from being unsightly and with regard to the laying of turf, the sowing of grass seed and the planting of trees, bushes and plants in places where any of such measures are appropriate:

(14) (*a*) London Transport shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of the works and, subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person, any such objects shall be deposited with the council, as the property of the council;

(*b*) London Transport shall afford to the council reasonable facilities to inspect any objects so discovered in the construction of the works:

(15) Within three months after the completion of any of the works or such longer period as the council may agree London Transport shall remove or to the reasonable satisfaction of the council demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of, or in connection with the construction of, any of those works and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall so far as is reasonably practicable

PART IV —*cont.*

to the like satisfaction make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work:

(16) As soon as reasonably practicable after the completion of any part of the works, London Transport shall furnish the council with a plan and sections showing the position and level of such part of the works as constructed:

(17) London Transport shall keep the council indemnified against all actions, costs, claims and demands whatsoever brought or made against the council by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the works and the fact that any act or thing may have been done in accordance with any requirement of the council or under their supervision shall not (if it was done without negligence on the part of the council) excuse London Transport from liability under the provisions of this section:

Provided that—

(i) the council shall give to London Transport reasonable notice of any claim or demand as aforesaid, and no settlement or compromise thereof shall be made without the prior consent of London Transport; and

(ii) nothing in this paragraph shall impose any obligation on London Transport in respect of so much of any loss or damage as is attributable to any act or neglect of the council, their servants or agents:

(18) Wherever in this section provision is made for the consent or approval of the council, such consent or approval shall be given in writing and may be signed by the chief executive of the council and shall be subject to such reasonable terms and conditions as the council may require, but shall not be unreasonably withheld:

(19) Any difference arising between London Transport and the council under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART V
MISCELLANEOUS

Power to enter into agreements with London Docklands Development Corporation.

16. For the purposes of enabling the works to be constructed, maintained and operated London Transport may enter into such agreement with the London Docklands Development Corporation (in this section called "the Development Corporation") as the parties think fit and, without prejudice to the generality of the foregoing, such agreement may provide for the Development Corporation to contribute to or pay all the expenditure incurred or to be incurred by London Transport in carrying out, maintaining and operating the works (including the acquisition of land), but no contribution or payment shall be made by the Development Corporation under any such agreement without the consent of the Secretary of State with the concurrence of the Treasury, as required by subsection (5) of section 136 of the Local Government, Planning and Land Act 1980.

1980 c. 65.

Planning permission.

17.—(1) In this section "Class XII development" means development authorised by Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permits development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).

S.I. 1977/289.

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun by 31st December 1996.

(3) Subsection (2) of this section shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works authorised by this Act or the substitution of new works therefor.

Arbitration.

18. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, as applied by this Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall 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 notice in writing to the other), by the President of the Institution of Civil Engineers.

Costs of Act.

19. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by London Transport and may in whole or in part be defrayed out of revenue.

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London Transport (Tower Hill) Act 1985

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