
STATUTORY INSTRUMENTS

2014 No. 310

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

**The Crossrail (Paddington Station
Bakerloo Line Connection) Order 2014**

Made - - - - *18th February 2014*

Coming into force - - *11th March 2014*

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”) and section 48 of the Crossrail Act 2008⁽³⁾.

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The Secretary of State, having considered the objections made and not withdrawn, and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with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 11th February 2014.

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, 15 and 16 of Schedule 1 to, the 1992 Act and by section 48 of the Crossrail Act 2008 makes the following Order—

⁽¹⁾ S.I. 2006/1466.

⁽²⁾ 1992 c.42. Relevant amending instruments are S.I. 1995/1541, 1998/2226, 2000/3199 and 2006/958.

⁽³⁾ 2008 c.18. Section 48 was amended by section 36 of and Schedule 2 to the Planning Act 2008 (c.29).

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 and comes into force on 11th March 2014.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(4);

“the 1965 Act” means the Compulsory Purchase Act 1965(5);

“the 1980 Act” means the Highways Act 1980(6);

“the 1981 Act” means the Acquisition of Land Act 1981(7);

“the 1984 Act” means the Road Traffic Regulation Act 1984(8);

“the 1991 Act” means the New Roads and Street Works Act 1991(9);

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

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

“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;

“the Company” means London Underground Limited (Company No. 01900907) whose registered office is at 55 Broadway, London SW1H 0BD;

“the Crossrail (Paddington) Station” means the station at Paddington in the City of Westminster authorised to be constructed as part of Works Nos. 1/3A and 1/3B under the principal Act;

“electronic transmission” means a communication transmitted—

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

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

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

“the limits of deviation” means the limits of deviation for the scheduled work shown on the works and land plan;

“the limits of land to be acquired or used” means the land so shown and described on the works and land plan;

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

“Network Rail” means Network Rail Infrastructure Limited (Company registration number 02904587) whose registered office is at Kings Place, 90 York Way, London N1 9AG;

(4) 1961 c.33.

(5) 1965 c.56.

(6) 1980 c.66.

(7) 1981 c.67.

(8) 1984 c.27.

(9) 1991 c.22 as amended by the Traffic Management Act 2004 c. 18.

“the Order limits” means the limits of deviation and the limits of land to be acquired or used which are shown on the works and land plan;

“owner” in relation to land, has the same meaning as in the 1981 Act;

“the principal Act” means the Crossrail Act 2008;

“the promoter” means Crossrail Limited (Company No. 04212657) whose registered office is at 25 Canada Square, Canary Wharf, London, E14 5LQ;

“the scheduled work” means the work specified in Schedule 1 (scheduled work) or any part of it;

“the sections” means the sections which are shown on the works and land plan;

“street” includes part of a street;

“the tribunal” means 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 and land plan” means the plan certified by the Secretary of State as the works and land plan 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 work 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.

PART 2

WORKS PROVISIONS

Principal Powers

Power to construct and maintain works

3.—(1) The promoter may construct and maintain the scheduled work.

(2) Subject to article 4 (power to deviate), the scheduled work may only be constructed in the lines or situations shown on the works and land plan and in accordance with the levels shown on the sections.

(3) Subject to paragraph (5), the promoter 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 work, namely—

- (a) construct and maintain such offices and other buildings, yards, machinery, plant, apparatus and other works and conveniences as the promoter thinks fit;
- (b) make, provide and maintain all such approaches, lifts, stairs, escalators, ramps, passages, means of access, shafts and stagings as the promoter thinks fit;
- (c) make and maintain junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and widen or alter any highway or access way for the purpose of connecting it with any of those works or another highway, or of crossing under or over the highway or access way;

- (d) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient;
- (e) alter or remove any structure erected upon any highway or adjoining land;
- (f) alter the position of apparatus, including mains, sewers, drains, pipes, cables and street furniture;
- (g) carry out and maintain landscaping and other permanent mitigation works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled work including the execution of works to alter the layout of streets; and
- (h) carry out and maintain works for the benefit or protection of premises affected by the scheduled work.

(4) Subject to paragraph (5), the promoter 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 scheduled work.

(5) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works within the limits of deviation or the limits of land to be acquired or used.

Power to deviate

4. In constructing or maintaining the scheduled work, the promoter may—
- (a) deviate laterally from the lines or situations shown on the works and land plan to the extent of the limits of deviation for that work; and
 - (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 4 metres upwards; or
 - (ii) to any extent downwards as may be found to be necessary or convenient.

Streets

Stopping up of highways

5.—(1) The promoter may exercise the power conferred by paragraph 1 of Schedule 3 (highways) to the principal Act to stop up London Street in the City of Westminster between points P1, P2, P3, P4 and P1 (which points are shown on the works and land plan) for purposes connected with the authorised works.

(2) Paragraph (1) has effect without affecting article 18 (application of the principal Act to authorised works).

Temporary interference

6.—(1) The promoter may exercise the powers conferred by paragraph 5(1) of Schedule 3 (highways) to the principal Act to temporarily stop up and alter 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.

(2) The promoter may exercise the powers conferred by paragraphs 6 to 8 of Schedule 2 (works: further and supplementary provisions) to the principal Act in relation to the streets referred to in paragraph (1).

(3) Paragraph (1) has effect without affecting article 18 (application of the principal Act to authorised works).

Protective works to buildings, roads and apparatus of a statutory undertaker

7.—(1) Subject to the following provisions of this article, the promoter may at its own expense and from time to time carry out such protective works to—

- (a) any building; or
- (b) any road; or
- (c) any apparatus of a statutory undertaker,

lying within the Order limits as the promoter 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, road or apparatus of any part of the authorised works; or
- (b) after the completion of the construction of that part of the authorised works in the vicinity of the building, road or apparatus 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 the promoter may, subject to paragraph (5), enter and survey any building, go onto and survey any road or access and survey any apparatus falling within paragraph (1) and any land within the curtilage of the building or on which the apparatus is located.

(4) For the purpose of carrying out protective works under this article to a building, road or apparatus the promoter may (subject to paragraphs (5) and (6))—

- (a) enter the building, go onto the road or access the apparatus and any land within the curtilage of the building or on which the apparatus is located; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building (but outside its curtilage), or adjacent to the road or land on which apparatus is located, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building, road or apparatus;
- (b) a right under paragraph (3) to enter a building, go onto a road or access apparatus and land within the curtilage of the building or on which the apparatus is located;
- (c) a right under paragraph (4)(a) to enter a building, go onto a road or access apparatus and land within the curtilage of the building or on which the apparatus is located; or
- (d) a right under paragraph (4)(b) to enter land,

the promoter must, except in the case of emergency, serve on the owners and occupiers of the building or land or owner of the road or the apparatus 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 a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land or owners of the road or the apparatus 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 whether it is necessary or expedient to carry out the protective works or to enter the building or land, go onto a road or access apparatus to be referred to arbitration under article 31 (arbitration).

(7) The promoter must compensate the owners and occupiers of any building or land or owners of the road or the apparatus 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 or road or apparatus falling within paragraph (1); and

(b) within the period of 5 years beginning with the day on which the part of the authorised works constructed in the vicinity of the building, road or apparatus is first opened for use it appears that the protective works are inadequate to protect the building, road or apparatus against damage caused by the construction or operation of that part of the authorised works,

the promoter must compensate the owners and occupiers of the building or road or apparatus for any loss or damage sustained by them.

(9) Without affecting article 30 (no double recovery) nothing in this article relieves the promoter from any liability to pay compensation under section 10(2) of the 1965 Act.

(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, road or apparatus means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building, road or apparatus 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, road or apparatus by the construction, maintenance or operation of the authorised works; and

“road” includes any structures supporting the road.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

8.—(1) The promoter may acquire compulsorily so much of the land shown on the works and land plan within the limits of deviation as land to be acquired compulsorily 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 the promoter’s statutory undertaking.

(2) This article is subject to article 12 (acquisition of land limited to subsoil lying more than 9 metres beneath surface) and article 13 (temporary use of land for construction of works).

Application of Part 1 of the 1965 Act

9.—(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 1981 Act applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(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.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

10.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(**10**) applies 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) there is substituted—

“(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)” there is substituted “(1)” and after “given” there is inserted “and published”.

(5) In that section, for subsections (5) and (6) there is substituted—

“(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” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

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

(8) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land under article 8 (power to acquire land).

Power to acquire new rights

11.—(1) The promoter may acquire compulsorily such easements or other rights over any land referred to in paragraph (1) of article 8 (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) Schedule 3 (modification of compensation and compulsory purchase enactments for creation of new rights) 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 of a right over land by the creation of a new right.

(3) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 3), where the promoter acquires a right over land under paragraph (1) the promoter is not required to acquire a greater interest in that land.

Acquisition of land limited to subsoil lying more than 9 metres beneath surface

12.—(1) This article applies to the land specified in Schedule 4 (land of which only subsoil more than 9 metres beneath surface may be acquired).

(2) In the case of land to which this article applies, the promoter may only acquire compulsorily under article 8 (power to acquire land) so much of, or such rights in, the subsoil of the land as may be required for the purposes of the authorised works.

(3) Where the promoter acquires any part of, or rights in, the subsoil of the land to which this article applies, the promoter is not required to acquire a greater interest in the land or an interest in any other part of it.

(4) References in this article to the subsoil of land are references to the subsoil lying more than 9 metres beneath the level of the surface of the land; and for this purpose “level of the surface of the land” means—

- (a) in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
- (b) in the case of a 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
- (c) in any other case, ground surface level.

Temporary possession of land

Temporary use of land for construction of works

13.—(1) The promoter 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) for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised work specified in column (4) of that Schedule; and
 - (ii) any other land within the Order limits in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works or any other permanent mitigation work.

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

(3) The promoter 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 one year beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 5; or
- (b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the promoter has, before the end of that period, served a notice

of entry 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.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the promoter must (except as provided in sub-paragraph (1)(d)) remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the promoter is not required to replace a building removed under this article.

(5) The promoter 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.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Without affecting article 30 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act 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 (5).

(8) The powers of compulsory acquisition of land conferred by this Order do not apply in relation to the land referred to in paragraph (1)(a)(i).

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

(10) Section 13 of the 1965 Act 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 17(1) (application of Part 1 of the 1965 Act).

Compensation

Disregard of certain interests and improvements

14.—(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,

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.

Set-off for enhancement in value of retained land

15.—(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 belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 11 (power to acquire new rights), the tribunal must set off against the value of the rights 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 belonging 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.

Supplementary

Acquisition of part of certain properties

16.—(1) This article applies instead of section 8(1) of the 1965 Act (as applied by article 9 (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 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 the promoter 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”).

(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 the promoter 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 the promoter is authorised to acquire compulsorily under this Order.

(8) If the promoter 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 the promoter 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, the promoter 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, the promoter 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.

Time limit for exercise of powers of acquisition

17.—(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 9 (application of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981⁽¹¹⁾, as applied by article 10 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 13 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the promoter 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.

PART 4

MISCELLANEOUS AND GENERAL

Application of the principal Act to authorised works

18.—(1) Schedule 6 (application of provisions of the principal Act) has effect.

⁽¹¹⁾ 1981 c. 66.

(2) So far as consistent with the provisions of this Order and the Transport and Works Act 1992(12) Act and so far as any person exercising the powers conferred by this Order is a nominated undertaker for the purposes of any provision of the principal Act, this Order and the principal Act are construed as one.

(3) Without limitation on the scope of paragraph (2), in determining any application or request by the promoter to any body for an approval or consent under the provisions of the principal Act (including those provisions as applied by this Order), that body must have regard (so far as relevant) to the combined effect of the works authorised by this Order and the works authorised by the principal Act for the purposes of the construction of which the promoter is the nominated undertaker.

Modification of provisions in an agreement relating to the protection of Network Rail

19.—(1) The promoter is bound by the obligations of the Secretary of State for Transport under the relevant agreement as if it had been a party to that agreement.

(2) The modifications specified in paragraph (2) have effect with respect to the relevant agreement.

(3) The modifications referred to in paragraph (1) are—

- (a) references to “Crossrail Works” in the relevant agreement include the authorised works; and
- (b) references to “the powers in sections 5 to 9 of the Act” in the relevant agreement include reference to the powers conferred by Part 3 of this Order.

(4) The promoter is the alternative nominated undertaker for the purposes of clause 11.2 of the relevant agreement and must perform the obligations of the relevant agreement in so far as they relate to the authorised works.

(5) In this article “the relevant agreement” means the agreement dated 9th October 2006 between the Secretary of State for Transport and Network Rail relating to protective provisions in respect of the Crossrail Project.

Compliance with Environmental Minimum Requirements

20.—(1) Any provisions of any development agreement requiring compliance with Crossrail Environmental Minimum Requirements apply to the promoter as if the authorised works were included in the works authorised by the principal Act.

(2) In this article—

- (i) “development agreement” means an agreement to which the Secretary of State for Transport and the promoter are a party and under which the promoter has responsibilities in relation to the design, construction, financing or maintenance of Crossrail; and
- (ii) “Environmental Minimum Requirements” means the undertakings and assurances given to Parliament and petitioners by the Secretary of State for Transport during the passage of the Crossrail Bill specified in the Crossrail Register of Undertakings and Assurances published by the Department for Transport together with the Crossrail Planning and Heritage Memorandum, Construction Code and Environmental Memorandum.

Obstruction of construction of authorised works

21. Any person who, without reasonable excuse—

- (a) obstructs any person acting under the authority of the promoter in setting out the lines of the scheduled work or in constructing any authorised work; or

- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the promoter,

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

Traffic signs

22.—(1) The promoter may, for the purposes of, or in connection with the construction or operation of, the authorised works, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) (general provisions as to traffic signs) of the 1984 Act or of a character authorised by the Secretary of State on any street in connection with any instrument made under article 23 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The promoter—

- (a) must consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 (powers and duties of highway authorities as to placing of traffic signs) of the 1984 Act, must enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the promoter as to traffic signs under this article; and the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street referred to in paragraph (1) must consult with the promoter as to the placing of any traffic signs which may affect the authorised works.

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

Traffic regulation

23.—(1) Subject to the provisions of this article the promoter may, for the purposes and during the construction of the authorised works and with the consent of the traffic authority in whose area the relevant street is situated (such consent not to be unreasonably withheld)—

- (a) prohibit or restrict the parking, stopping, waiting or the loading or unloading of vehicles, at any time, in the relevant streets;
- (b) suspend temporarily the use of any parking place within a relevant street; and
- (c) revoke any traffic regulation order in so far as it is inconsistent with any prohibition or restriction made by the promoter under this paragraph.

(2) The promoter must consult the chief officer of police and the traffic authority in whose area the street is situated before complying with the provisions of paragraph (3).

(3) The promoter must not exercise the powers of this article unless it has—

- (a) given not less than 6 weeks' notice in writing of its intention to do so to the chief officer of police and the traffic authority in whose area the relevant streets are situated; and
- (b) not less than 7 days before exercising any power under this article, given notice of the intention to exercise the powers conferred by this article by publishing a notice in a local newspaper circulating in the area.

(4) Any prohibition, restriction or other provision made by the promoter under sub-paragraph (1) (a), (b) or (c) has effect as if duly made by the traffic authority in whose area the street is situated as a traffic regulation order under the 1984 Act and the instrument by which it is effected may specify savings to which the prohibition, restriction or other provision is subject.

(5) Any prohibition or restriction made by the promoter under paragraph (1) does not apply to any vehicle of a statutory utility for so long as it is engaged in connection with the laying, erection, alteration, repair or inspection of any apparatus of that utility.

(6) In this article—

“the relevant streets” means London Street, Winsland Street, Praed Street and Winsland Mews in the City of Westminster;

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003⁽¹³⁾;

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider; and

“traffic authority” has the same meaning as in the 1984 Act.

Agreements with the Company

24.—(1) The promoter and the Company may enter into and carry into effect agreements with respect to the construction, maintenance, use and operation of—

- (a) any of the authorised works, or any part of those works; and
- (b) any works required for the purposes of or in connection with the authorised works by the Company, or by the promoter, or by the promoter and the Company jointly.

(2) Any agreement made under the powers conferred by this article may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without limitation on the scope of) paragraph (1)—

- (a) with respect to the defraying of, or the making of contributions towards, the cost of such works or alternation or adaptation or the costs of such construction, maintenance, use and operation as are referred to in paragraph (1) by the promoter, or by the Company, or by the promoter and the Company jointly; and
- (b) for the exercise by the Company, or by the promoter, or by the Company and the promoter jointly, of all or any of the powers and rights of the promoter or the Company (as the case may be) in respect of any of the authorised works and any works required for the purposes of or in connection with the authorised works.

(3) The exercise by the promoter, or the Company, or by the promoter and the Company jointly, of any powers and rights under any enactment or contract under any such agreement as is authorised by paragraph (2) is subject to all statutory and contractual provisions relating to those powers and rights as would apply if such powers and rights were exercised by the promoter or the Company (as the case may be) alone, and accordingly such provisions apply, with any necessary modifications, to the exercise of such powers and rights by the promoter or the Company or by the promoter and the Company jointly, as the case may be.

(4) The promoter and the Company may enter into, and carry into effect, agreements for the transfer to and vesting in the promoter, or the Company, or the promoter and the Company jointly, of—

- (a) any of the authorised works or any part of any of those works; or

⁽¹³⁾ 2003 c.21.

- (b) any works, lands or other property required for the purposes of the authorised works or in connection with such works.

together with any rights and obligations (whether or not statutory) of the Company or the promoter relating to the works, lands or property referred to in sub-paragraphs (a) or (b).

Defence to proceedings in respect of statutory nuisance

25.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990⁽¹⁴⁾ (summary proceedings by person aggrieved by statutory nuisances) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to authorised works and that the nuisance is attributable to the carrying out of authorised works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974 ⁽¹⁵⁾; 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, namely—
- (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 the promoter 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⁽¹⁶⁾ (statutory authority as a defence to actions in nuisance, etc.) or any rule of common law having similar effect.

Trespass

26.—(1) Any person who trespasses on any part of the land occupied by the promoter for the purposes of constructing the scheduled work is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person is to be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass on such land was clearly exhibited and maintained in close proximity to all such land occupied by the promoter.

Disclosure of confidential information

27. A person who—

- (a) enters a factory, workshop or workplace under article 7 (protective works to buildings, roads or apparatus of a statutory undertaker) or paragraph 9 of Schedule 2 (entry for preparatory purposes) to the principal Act as applied by article 19 (application of the principal Act to authorised works); and

⁽¹⁴⁾ 1990 c.43.

⁽¹⁵⁾ 1974 c.40.

⁽¹⁶⁾ 1993 c.43 as amended by the Transport Act 2000 (c.38) and the Railways Act 2005 (c.14).

- (b) discloses to any person any information obtained under sub-paragraph (a) 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.

Certification of plans etc.

28. The promoter must, as soon as practicable after the making of this Order, submit copies of the book of reference and the works and land plan to the Secretary of State for certification that they are, respectively, true copies of the book of reference and the works and land plan referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

29.—(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 (service by post) of the Interpretation Act 1978⁽¹⁷⁾ 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).

(17) 1978 c.30.

(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
- (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.

No double recovery

30. 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.

Arbitration

31. 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.

Signed by authority of the Secretary of State

18th February 2014

Stephen Cave
Head of Rail Projects
Department for Transport

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SCHEDULES

SCHEDULE 1

Articles 2 and 3

SCHEDULED WORK

In the City of Westminster—

Work No 1 - A passenger subway incorporating a step free interchange linking the Crossrail (Paddington) Station to the London Underground Bakerloo Line platforms commencing beneath a point 10 metres west of the junction of Winsland Mews with London Street and terminating beneath a point 35 metres east of the junction of Chilworth Street with Eastbourne Terrace.

SCHEDULE 2

Article 6

STREETS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Streets to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
City of Westminster	London Street Arrivals Road	Within the Order limits

SCHEDULE 3

Article 11

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973⁽¹⁸⁾ has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

⁽¹⁸⁾ 1973 c.26.

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- (a) for the words “land is acquired or taken” there are substituted the words “a right over land is purchased”; and
 - (b) for the words “acquired or taken from him” there are substituted the words “over which the right is exercisable”.
- (3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—
- (a) for the word “part” in paragraphs (a) and (b) there are substituted the words “a right over land consisting”;
 - (b) for the word “severance” there are substituted the words “right over the whole of the house, building or manufactory or of the house and the park or garden”;
 - (c) for the words “part proposed” there are substituted the words “right proposed”; and
 - (d) for the words “part is” there are substituted the words “right is”.

Application of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired; or
- (b) the land over which the right is or is to be exercisable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation in case of severance) there is substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

5. For section 8 of the 1965 Act (other provisions as to divided land) there is substituted the following—

(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question, the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest, and—

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- (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
- (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the [Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014/310](#)⁽¹⁹⁾ (“the Order”), in relation to that person, ceases to authorise the purchase of the right and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section is to be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the equivalent circumstances and subject to the equivalent conditions, to enter for the purpose of exercising that right (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

9. Section 22 of the 1965 Act (interests omitted from purchase) is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired subject to compliance with that section as respects compensation.

(19) [S.I. 2014/310](#).

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SCHEDULE 4

Article 12

LAND OF WHICH ONLY SUBSOIL MORE THAN 9 METRES BENEATH SURFACE MAY BE ACQUIRED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the works and land plan</i>
City of Westminster	1, 2, 3, 4, 5

SCHEDULE 5

Article 13

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the works and land plan</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Authorised work</i>
City of Westminster	6	Temporary working site and access, including two temporary construction shafts.	Work No. 1

SCHEDULE 6

Article 18

APPLICATION OF PROVISIONS OF THE PRINCIPAL ACT

1. The following provisions of the principal Act apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2 and, where any special assumption is mentioned in paragraph 3 for any such provision, on the special assumptions for it so mentioned—

- (a) sections 8 (extinguishment of private rights of way), 9 (extinguishment of rights of statutory undertakers etc), 10 (planning: general), 11 (permitted developments: time limit), 12 (fees for planning applications), 13 (power to disapply section 10(1)), 15 (extension of permitted development rights) and section 20 (control of construction sites: appeals);
- (b) paragraphs 8 (discharge of water) and 9 (entry for preparatory purposes) of Schedule 2 (works: further and supplementary provisions);
- (c) paragraphs 1 (stopping up), 2, 3, 5(1) to 5(3) (temporary interference), 6 (working sites in highways), 7, 8 (street works), 9, 10 (construction), 11 (maintenance), 14 (agreements with highway authorities etc) and 15(1) (use of subsoil) of Schedule 3 (highways);
- (d) paragraphs 3, 4 and 6 to 11 of Part 2 (development in the area of a unitary authority), and paragraphs 28 to 37 of Part 4 (supplementary) of Schedule 7 (planning conditions);
- (e) paragraphs 14 to 17 of Schedule 14 (disapplication and modification of miscellaneous controls);

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- (f) parts 1 (protection of highways and traffic), 2 (protection for electricity, gas, water and sewerage undertakers) and 4 (protection of electronic communications code networks) of Schedule 17 (protective provisions).

The general assumptions

2. The general assumptions are that references in the principal Act in whatever form (including references inserted or substituted by any provision of that Act in any other enactment)—

- (a) to that Act were references to this Order;
- (b) to the nominated undertaker were references to the promoter;
- (c) where the Crossrail (Devolution of Functions) Order 2010(20) modified the principal Act, references to Transport for London were references to the promoter;
- (d) to the scheduled works (except in relation to references to the limits of deviation for the scheduled works), the deposited plans, the deposited sections and the book of reference were references to the scheduled work, the works and land plan, the sections and the book of reference respectively as defined in article 2(1) (interpretation);
- (e) to the limits of deviation for the scheduled works or the limits of land to be acquired or used were references to the Order limits as defined in article 2(1);
- (f) to Crossrail were references to the authorised works as defined in article 2(1); and
- (g) to particular provisions of the principal Act were a reference to those provisions as applied by paragraph 1.

The special assumptions

3.—(1) The special assumptions are the assumptions set out in sub-paragraphs (2) to (8), and have effect for the purposes mentioned in paragraph 1.

(2) In section 10(4) of the principal Act the reference to statements specified for the purposes of subsection (2)(b) is to be treated as including a reference to the environmental statement submitted with this Order.

(3) In Schedule 3, paragraph 14 (agreements with highway authorities etc) of the principal Act, the reference to that Schedule is to be treated as including a reference to this Order.

(4) Westminster City Council is to be treated as a qualifying authority for the purposes of Schedule 7 to the principal Act in so far as it applies to this Order.

(5) Condition 6 in the Table in paragraph 6 (conditions: qualifying authority) and condition 5 in the Table in paragraph 7 of Schedule 7 to the principal Act do not apply.

(6) In paragraph 11(6) of Schedule 7 to the principal Act (conditions: general), the reference to paragraph 2(1) of Schedule 5 is to be treated as a reference to paragraph (4) of article 13 (temporary use of land for construction of works).

(7) In paragraph 4(1) of Part 4 of Schedule 17 to the principal Act, references to paragraph 1 of Schedule 3 to that Act are to be treated as including references to that paragraph as applied by article 6(1).

(8) Paragraph 18 of Part 1 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

(9) Paragraph 13 of Part 2 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

(10) Paragraph 6 of Part 4 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

Ancillary matters

4.—(1) Regulations made under section 20(4) of the principal Act have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974(21), as inserted by section 20(3) of the principal Act and applied by paragraph 1, as they have effect for appeals referred to arbitration under that subsection in relation to works carried out in exercise of the powers conferred by Part 1 of the principal Act.

(2) Rules made under section 54(5) of the principal Act apply to an arbitration under this Order as they apply to an arbitration under Part 1 of the principal Act.

(3) Without limitation on the scope of the general assumptions in paragraph 2, the references in section 8(2) of the principal Act to the coming into force of that Act are to be treated (so far as concerns the matters which are the subject of this Order) as references to the coming into force of this Order.

(4) Regulations made under paragraphs 30 and 34 of Schedule 7 to the principal Act (appeals) have effect in relation to planning appeals under this Order as they apply to appeals under Schedule 7 to the principal Act.

(5) Regulations made under section 12(1) of the principal Act have effect in relation to this Order as they apply to any request for approval under the planning permission deemed to be granted by section 10(1) of the principal Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Crossrail Limited to construct and maintain a passenger subway linking the proposed Crossrail Station at Paddington, authorised to be constructed under the Crossrail Act 2008 (“the Act”), to the London Underground Bakerloo Line platforms. For these purposes the Order confers powers, compulsorily or by agreement, to acquire land and rights in land and to use land. The Order also applies provisions of the Act through section 48, which permits any order promoted under the Transport and Works Act 1992 relating to a proposed extension of Crossrail, or to the provision of a railway facility connected with Crossrail, to apply any provision of the Act, with any modifications necessary, or to provide for any provision of the Act to have effect as if the extension were part of Crossrail. In this way, the provisions in the Act relating to the power to stop up streets, execute street works, the carrying out of alterations to the highway and other miscellaneous ancillary matters are applied to the works authorised by the Order. In addition a number of protective provisions for the benefit of protected undertakers, as provided for in the Act, are applied to such undertakers affected by the works authorised by the Order.

A copy of the works and land plans and the book of reference mentioned in this Order and certified in accordance with article 28 (certification of plans, etc.) of this Order, may be inspected free of

(21) 1974 c.40.

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charge during working hours at the offices of Crossrail Limited, 25 Canada Square, Canary Wharf, London, E14 5LQ.