
STATUTORY INSTRUMENTS

1997 No. 264

**The London Underground (East
London Line Extension) Order 1997**

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the London Underground (East London Line Extension) Order 1997 and shall come into force on 10th February 1997.

Interpretation

- 2.**—(1) In this Order, unless the context otherwise requires—
- “the 1845 Act” means the Railways Clauses Consolidation Act 1845(1);
 - “the 1961 Act” means the Land Compensation Act 1961(2);
 - “the 1965 Act” means the Compulsory Purchase Act 1965(3);
 - “the 1973 Act” means the Land Compensation Act 1973(4);
 - “the 1991 Act” means the New Roads and Street Works Act 1991(5);
 - “authorised works” means the scheduled works and any other works authorised by this Order;
 - “the book of reference” means the book of reference described in rule 7(5) of the Applications Rules prepared in connection with the application for this Order and marked by the Secretary of State as “the book of reference” for the purposes of this Order;
 - “the Company” means London Underground Limited;
 - “the deposited plans” means the plans described in rule 7(1)(a) and 7(3) of the Applications Rules prepared in connection with the application for this Order and marked by the Secretary of State as “the plans” for the purposes of this Order and references to land shown on those plans are references to land so shown in pursuance of those rules;
 - “the deposited sections” means the sections described in rule 7(2) of the Applications Rules prepared in connection with the application for this Order and marked by the Secretary of State as “the sections” for the purposes of this Order;
 - “highway” and “highway authority” have the same meaning as in the Highways Act 1980(6);

(1) 1845 c. 20.
(2) 1961 c. 33.
(3) 1965 c. 56.
(4) 1973 c. 26.
(5) 1991 c. 22.
(6) 1980 c. 66.

“the limits” means the limits of deviation, the lines marked “Limit of Land to be Acquired” and the lines marked “Limit of Land to be Temporarily Used” shown on the deposited plans;

“the limits of deviation” means the lines marked “Limit of Deviation” shown on the deposited plans;

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

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“Railtrack” means Railtrack plc and includes any person who derives title to any property from Railtrack plc and holds that property for railway purposes;

“the railways board” means the British Railways Board;

“the scheduled works” means the works specified in Part I of Schedule 1 to this Order;

“street” includes part of a street;

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

“the tribunal” means the Lands Tribunal; and

“the waterways board” means the British Waterways Board;

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

Incorporation of Railways Clauses Acts

3.—(1) The following provisions of the 1845 Act shall be incorporated in this Order:—

section 24 (obstructing construction of railway);

section 46 (crossing of roads - level crossings) except for the words from “Provided always” to the end;

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

section 68 (accommodation works by company);

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

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

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

sections 78 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923(7);

sections 103 and 104 (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway);

section 145 (recovery of penalties);

section 154 (transient offenders).

(2) The following provision of the Railway Clauses Act 1863⁽⁸⁾ shall be incorporated in this Order:—section 12 (signals, watchmen etc.).

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

“the company” means the Company;

“goods” includes anything conveyed on the railways authorised to be constructed by this Order;

“lease” includes an agreement for a lease;

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

“the railway” means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works;

“the special Act” means this Order; and

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