

2010 No. 988

TRANSPORT

The Crossrail (Devolution of Functions) Order 2010

<i>Made</i> - - - -	<i>25th March 2010</i>
<i>Laid before Parliament</i>	<i>26th March 2010</i>
<i>Coming into force</i> - -	<i>21st April 2010</i>

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 51(1), (3), (4) and (7) of the Crossrail Act 2008(a):

Citation and commencement

1. This Order may be cited as the Crossrail (Devolution of Functions) Order 2010, and shall come into force on 21st April 2010.

Interpretation

2.—(1) In this Order “the devolution date” means the date on which this Order comes into force.
(2) Any reference in this Order to a section or Schedule is a reference to a section of or Schedule to the Crossrail Act 2008.

Modification of references to Secretary of State for all purposes

3.—(1) The references to the Secretary of State in the provisions mentioned in paragraph (2) have effect as references to Transport for London.

(2) The provisions are—

- section 6(1) (acquisition of land within limits);
- section 7(1) and (2) (acquisition of other land);
- section 8(1), (3) and (4) (extinguishment of private rights of way);
- section 47(1) and (7) (temporary possession agreements);
- section 52(1) and (4) (correction of deposited plans);
- paragraphs 13(1), 14(2), (4) and (5), 16 and 18(2) to (4) of Schedule 6 (supplementary provisions relating to acquisition of land);
- paragraph 2 of Part 5 of Schedule 17 (protection of British Waterways Board).

(a) 2008 c. 18.

Other modifications of references to Secretary of State

4. In section 9(1) (extinguishment of rights of statutory undertakers etc) the reference to the Secretary of State has effect as a reference to Transport for London in relation to land acquired by Transport for London.

5.—(1) Section 33 (transfer of functions relating to works) is modified as follows.

(2) In subsection (1) the first reference to the Secretary of State has effect as a reference to Transport for London in relation to land acquired from a railway operator^(a) on or after the devolution date.

(3) The following references to the Secretary of State have effect as references to Transport for London in relation to land acquired by Transport for London—

- (a) the third reference in subsection (1);
- (b) the second reference in subsection (2);
- (c) the first reference in subsection (3).

6. In section 42 (application of landlord and tenant law) the references to the Secretary of State have effect as references to Transport for London in relation to land held by Transport for London.

7.—(1) Section 44 (prohibitions etc on land use) is modified as follows.

(2) In subsection (1) the reference to the Secretary of State has effect as a reference to Transport for London in relation to a prohibition or restriction imposed by a covenant or agreement made on or after the devolution date.

(3) In subsection (2) the references to the Secretary of State have effect as references to Transport for London in relation to a prohibition or restriction imposed by a covenant or agreement which operates for the benefit of Transport for London (whether Transport for London or the Secretary of State made the covenant or agreement with the promisor).

8.—(1) Schedule 3 (highways) is modified as follows.

(2) In paragraph 1(2)(d) the reference to the Secretary of State has effect as a reference to Transport for London in relation to land in its possession.

(3) In paragraph 3(1)(b)—

- (a) the references to the Secretary of State have effect as references to Transport for London in relation to so much of a site as is bounded on both sides by land owned by Transport for London;
- (b) the references to the Secretary of State have effect as references to Transport for London in relation to so much of a site as is bounded on one side by land owned by Transport for London and on the other side by land owned by the Secretary of State.

(4) In paragraph 3(4) and (5) the references to the Secretary of State have effect as if they included references to Transport for London.

9.—(1) Schedule 14 (disapplication etc of miscellaneous controls) is modified as follows.

(2) In paragraph 4(1) the reference to the Secretary of State has effect as a reference to Transport for London in relation to anything acquired by Transport for London.

(3) In paragraph 7(3) the reference to the Secretary of State has effect as a reference to Transport for London in relation to land acquired by Transport for London.

(4) In paragraph 8(1) the reference to the Secretary of State has effect as a reference to Transport for London in relation to a building acquired by Transport for London.

(5) In paragraph 17(2) the reference to the Secretary of State has effect as a reference to Transport for London in relation to anything acquired by Transport for London.

(a) “railway operator” is defined in section 33(5).

10.—(1) Part 2 of Schedule 17 (protection for undertakers) is modified as follows.

(2) In paragraphs 1(1) and 2(1) the references to the Secretary of State have effect as if they included references to Transport for London.

(3) In paragraph 3(2) the references to the Secretary of State have effect as references to Transport for London in relation to land acquired by Transport for London or in which it has acquired a right or interest.

(4) In paragraph 3(3) and (4) the references to the Secretary of State have effect as if they included references to Transport for London.

(5) In paragraphs 4(1), 6(1) and 7(1) the references to the Secretary of State have effect as references to Transport for London in relation to land acquired by Transport for London.

(6) In paragraph 7(3) the references to the Secretary of State have effect as if they included references to Transport for London.

11. In paragraph 1(1) of Part 5 of Schedule 17 (protection of British Waterways Board) the reference to the Secretary of State has effect as if it included a reference to Transport for London.

Supplementary and transitional provisions

12.—(1) Any direction given by the Secretary of State under section 8(4) which is in effect immediately before the devolution date has effect as if given by Transport for London.

(2) Any development agreement (within the meaning of section 42) and any lease granted in pursuance of such an agreement have effect, in so far as they relate to land acquired by Transport for London, as if Transport for London were a party to the agreement or lease instead of the Secretary of State.

(3) Any agreement entered into under section 47(1) or (7) which is in effect immediately before the devolution date has effect as if entered into by Transport for London instead of the Secretary of State.

Transitional provisions etc.: general

13.—(1) This Order does not affect the validity of anything done, or the application of any exemption as respects anything done, by or in relation to the Secretary of State before the devolution date.

(2) Anything (including legal proceedings) which, at the devolution date, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to any of the functions transferred to Transport for London by this Order, be continued by or in relation to Transport for London.

(3) Anything which—

(a) has been done by or in relation to the Secretary of State for the purpose of or in connection with any of the functions transferred to Transport for London by this Order, and

(b) has effect at the devolution date,

has effect, so far as necessary for continuing its effect after that date, as if done by or in relation to Transport for London.

(4) Paragraphs (1) to (3) are without prejudice to any provision made by this Order in relation to any particular function.

(5) For so long as the Secretary of State retains any land acquired before the devolution date under section 6 or 7, the modifications made by article 3, except those to section 47(1) and (7), do not apply in relation to anything done in connection with the acquisition of that land.

Signed by authority of the Secretary of State

25th March 2010

Sadiq Khan
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order devolves powers of the Secretary of State relating to acquisition and holding of land under the Crossrail Act 2008 (“the Act”) to Transport for London.

The Order accordingly provides for references to Transport for London to be substituted for references to the Secretary of State for all purposes in certain provisions of the Act relating to the acquisition or ownership of land (article 3). In other provisions it substitutes references to Transport for London in relation to land acquired by Transport for London, and it makes consequential modifications of other references to the Secretary of State (articles 4 to 11).

The Order also contains transitional provisions and provides generally for the continuation by Transport for London of action taken by the Secretary of State in relation to the devolved functions before the Order takes effect (articles 12 and 13).

An Explanatory Memorandum is available alongside the instrument on the OPSI website (www.opsi.gov.uk). An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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