
STATUTORY INSTRUMENTS

2012 No. 472

The London Cable Car Order 2012

Statutory authority for the cable car system

3.—(1) This Order gives statutory authority for DLRL to operate and maintain the cable car system.

(2) The authority conferred by this Order is conferred for the purpose of providing a defence of statutory authority—

- (a) in any proceedings, whether civil or criminal, in nuisance; or
- (b) in any proceedings, other than proceedings for breach of statutory duty, in respect of the escape of things from land.

(3) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990⁽¹⁾ 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 shall be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance is a consequence of the operation or maintenance of the cable car system and that it cannot reasonably be avoided.

(4) Nothing in this article is to be construed as excluding a defence of statutory authority otherwise available under or by virtue of any enactment.

(5) The provisions of this article are without prejudice to the powers conferred on Transport for London and its subsidiaries by the 1999 Act in connection with the provision of passenger transport services in Greater London.

(1) 1990 c. 43.