
Procedure for Settlement Deed

1. INTRODUCTION

- 1.1 If you are the owner of a qualifying building, you may be entitled to a Bank Station Capacity Upgrade (BSCU) Settlement Deed (“the Deed”).
- 1.2 The purpose of the Deed is to give effect, on a personal basis, to BSCU arrangements relating to the assessment, monitoring, mitigation and repair of damage, should it occur, resulting from ground movement caused by the construction works (“the settlement policy”).
- 1.3 The Deed is a formal legal agreement between you and London Underground Limited (“LUL”) for carrying out the works to construct BSCU
- 1.4 BSCU provides a single contact address for all matters relating to the Deed, (see paragraph 5.4 below).
- 1.5 BSCU Factsheet 9 – Tunneling & Ground Movement (“the Information Paper”) contains more detailed information about the general arrangements relating to potential ground movement. We strongly recommend that you read the Information Paper before commencing the formal notice procedure. A copy of the Information Paper and the deed are on the BSCU website at <http://www.tfl.gov.uk/bank-upgrade>
- 1.6 The Deed contains standard undertakings offered by LUL to all owners of qualifying buildings and its terms are not subject to individual negotiation. Each party is responsible for its own costs of entering into the Deed.
- 1.7 It is not mandatory that the Deed is entered into and the provisions within the settlement policy will apply to you in any event. Further information can be found in the Information Paper.

2. OWNERSHIP

- 2.1 In order to qualify for the Deed, you must be an “owner” of the building according to the legal definition contained in The Acquisition of Land Act 1981. This Act defines “owner” in relation to any land as:

“a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term of which exceeds three years [and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative].”
- 2.2 Where there is more than one owner of a qualifying building, each owner will be entitled to a separate Deed upon request. It is not necessary for owners of a single building to serve a joint notice.

3. WHAT IS A QUALIFYING BUILDING?

- 3.1 A building will qualify for the Deed if it is located within the within the limits of deviation and the limits of land for protective works ('the Order limits'). The Order limits include all buildings that are within the predicted 1mm settlement contour of the construction works. In accordance with the LUL Category 1 Standard S1050 – Civil Engineering – Common Requirements November 2013 an initial “green field” stage 1 settlement analysis will be undertaken to predict ground movement caused by the proposed works. This method of predicting potential settlement is a deliberately conservative (cautious) one and is based on industry best practice.
- 3.2 The settlement policy and the requirement for LUL to enter into the Deed do not apply to new buildings that received planning permission after the date on which the London Underground (Bank Station Capacity Upgrade) Order comes into force.

4. TIME LIMITS FOR SERVING NOTICE THAT YOU REQUIRE A DEED

NOTICE GENERALLY

- 4.1 You can give notice to LUL, personally or by using an agent to act on your behalf, at any time up to the end of September 2015 (“the expiry date”). This date is approximately six calendar months before the intended start date of the construction. Your notice must be in writing and provide sufficient information to enable LUL to prepare the Deed.
- 4.2 You do not have to wait until you are sure that your building qualifies for the Deed before giving notice to LUL. You can give notice in advance of final design if your building falls within the limits of deviation which is shown on the plans and sections deposited with the draft Order. We will acknowledge your notice and enter the details on our database. You can look at the plans and sections on the BSCU website at <https://www.tfl.gov.uk/corporate/publications-and-reports/bank-station-capacity-upgrade>.
- 4.3 If the qualifying building owner has not given notice before the expiry date, LUL will not be obliged to enter into the personal deed with you, but the general protection afforded by the settlement policy will continue to apply.
- 4.4 It is worth noting that if you write to LUL close to the expiry date but do not include enough information to enable LUL to prepare the Deed, there may not be enough time before the time period expires for you to provide the further information required. You will have missed the opportunity to be entitled to the Deed if that happens.
- 4.5 If you own more than one qualifying building, you may give a single notice for all of them and, providing it contains sufficient information, LUL will prepare a separate Deed for each building.

5. NOTICE REQUIREMENTS

CONTENTS OF THE NOTICE

- 5.1 You might like to use the form attached to the end of these notes to ensure that you provide all relevant information to LUL.
- 5.2 Whether or not you use that form, your notice must include the following information:
- the name and address of the applicant;
 - an email address and/or telephone number for future communication
 - the address of the building or part of the building for which the Settlement Deed is required;
 - a description of the building;
 - the nature and extent of the applicant's qualifying interest;
 - whether there are other owners with a qualifying interest and/or occupiers of the building or part of it;
 - the extent of the applicant's repairing obligations in relation to the building or any part of it;
 - whether there is any other person who is responsible for repairs and, if so, the extent of those repairing obligations, if known;
 - the name and address of the person to whom the Deed is to be delivered, if different from the applicant's address.
- 5.3 You may also be required to provide proof of your legal interest (such as an office copy of the Proprietorship Register of Title at HM Land Registry). This may be necessary if LUL is unable to establish the extent of your legal interest in the building from the other information that you have supplied.

METHOD OF SERVICE

- 5.4 A Notice requesting a Settlement Deed must be served by one of the following methods:

By email to BankSCU@tfl.gov.uk

By post, clearly marked "Reference: Settlement Deed" to;

London Underground Limited
Bank Station Capacity Upgrade
10 King William Street (5th Floor)
London EC4N 7TW

6. ACKNOWLEDGMENT

- 6.1 As long as you meet the qualifying criteria and provide enough information in your notice to enable the Deed to be prepared, LUL is under a duty to deliver the Deed to you.
- 6.2 We will acknowledge your notice in writing within 20 working days of receiving it. However, this acknowledgment does not mean that LUL agrees that your building qualifies for the Deed. If you have not had an acknowledgement within 20 days, please email the dedicated email address at Banksclu@tfl.gov.uk to check we received your request.
- 6.3 LU Lmay request further information from you to ascertain whether you have met the qualifying criteria for the Deed. As set out above, this may be evidence to confirm that you have the relevant legal interest in the building or to clarify whether or not the building itself qualifies (or because further detailed information is required in order to draw up the Deed).

7. NOTIFICATION OF REFUSAL OF DEED

- 7.1 LUL will not execute or complete the settlement Deed if you do not meet the qualifying criteria, including time limits.
- 7.2 By way of example, LUL may refuse to enter into the Deed because you do not have sufficient qualifying interest in the building or because the building is outside the qualifying limits after detailed design.
- 7.3 We will advise you in writing if you have not met the qualifying criteria.

NOTICE REQUIRING SETTLEMENT DEED

APPENDIX

BSCU

Notice to apply for Settlement Deed

This form may be completed by the Owner of the relevant building (“the Applicant”) or by an agent on the Applicant’s behalf.

Reference (for insertion by BSCU)

1. Name(s) of Applicant(s):

2. Address:

Postcode:

Telephone number:

e:mail address:

The address and contact details at item 2 above will be used for all further communications, including delivery of the Settlement Deed if appropriate, unless LUL is advised in writing of an alternative address.

Address of the building (or part of the building) for which the Settlement Deed is requested (if different from above):

3. Address:

Postcode:

Description of the building or part of the building concerned:

4.

Description of the Applicant's qualifying interest in the building or part of the building:

5.

Details of any other owners/occupiers, if any, of the building or part of a building concerned:

6.

Details of any repairing obligations on the Applicant in respect of the building or part of it:

7.

Details, if known, of any other person with repairing obligations and the extent of such obligations:

8.

To the best of my/our knowledge the information given in this Notice is correct. I/we request a Settlement Deed in respect of the above-mentioned property.

Signed:

.....

Name(s)

(Block capitals)

On behalf of:

(Where acting as an agent)

Date:

Please send this form, with all the information requested, by post marked "Reference: Settlement Deed" to;

London Underground Limited
Bank Station Capacity Upgrade,
10 King William Street (5th Floor),
London
EC4N 7TW

By email to Bankscu@tfl.gov.uk;

Please note that in some cases it may be necessary to seek further information from Applicants to ascertain whether the building or part of it qualifies for the Settlement Deed.