



# Crossrail Act 2008

## 2008 CHAPTER 18

### *Land*

#### **5 Temporary possession and use**

Schedule 5 (which contains provisions about temporary possession and use of land for the purposes of this Act) has effect.

#### **6 Acquisition of land within limits shown on deposited plans**

- (1) The Secretary of State is authorised by this section to acquire compulsorily—
  - (a) so much of the land shown on the deposited plans within the limits of deviation for the scheduled works as may be required for or in connection with the works authorised by this Act or otherwise for or in connection with Crossrail, and
  - (b) so much of the land so shown within the limits of land to be acquired or used as may be so required.
- (2) Without prejudice to the generality of subsection (1), the purposes for which land may be acquired under that subsection include, in the case of so much of any land specified in columns (1) and (2) of Part 1 of Schedule 6 as is within the limits of land to be acquired or used, the purpose specified in relation to that land in column (3) of that Part of the Schedule as one for which that land may be acquired or used.
- (3) Part 2 of Schedule 6 (application of legislation relating to compulsory purchase) and Part 3 of that Schedule (supplementary provisions) have effect.
- (4) The power conferred by subsection (1) shall not be exercisable in relation to land the surface of which is comprised in a highway where the land is specified in the table in paragraph 15(2) of Schedule 3.
- (5) The power conferred by subsection (1) shall not be exercisable in relation to land specified in the table in paragraph 1(1) of Schedule 5 unless it is also specified in the table in paragraph 11(1) of Schedule 6.
- (6) After the end of the period of 5 years beginning with the day on which this Act is passed—

- (a) no notice to treat shall be served under Part 1 of the Compulsory Purchase Act 1965 (c. 56), as applied to the acquisition of land under subsection (1), and
  - (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66), as applied by paragraph 4 of Schedule 6.
- (7) The Secretary of State may by order extend the period under subsection (6) in relation to any land.
- (8) The Secretary of State may only exercise the power in subsection (7) in relation to any land—
- (a) once, and
  - (b) so as to extend the period under subsection (6) by not more than 5 years.
- (9) An order under subsection (7) shall be subject to special parliamentary procedure.

## **7 Acquisition of land not subject to the power under section 6(1)**

- (1) The Secretary of State may acquire compulsorily land outside the limits of deviation for the scheduled works and the limits of land to be acquired or used which is required for or in connection with the works authorised by this Act or otherwise for or in connection with Crossrail.
- (2) The Secretary of State may acquire compulsorily land within the limits of deviation for the scheduled works or the limits of land to be acquired or used which—
- (a) is required for or in connection with the works authorised by this Act or otherwise for or in connection with Crossrail, and
  - (b) is not land in relation to which the power conferred by section 6(1) is exercisable.
- (3) Subsection (2) shall have effect as if land specified in the table in paragraph 8, 9, 11(1) or 12 of Schedule 6, or in columns (1) and (2) of the table in paragraph 10 of that Schedule, were not land in relation to which the power conferred by section 6(1) is exercisable, but the power conferred by subsection (2) shall not be exercisable—
- (a) in the case of land specified in the table in paragraph 8, 9 or 12, in relation to the creation and acquisition of any easement or other right over land in relation to the creation and acquisition of which the power under section 6(1) is exercisable;
  - (b) in the case of land specified in columns (1) and (2) of the table in paragraph 10, in relation to so much of the land as falls within the description specified in relation to it in column (3) of the table;
  - (c) in the case of land specified in the table in paragraph 11(1) or 12, in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres beneath the level of the surface of the land.
- (4) Without prejudice to the generality of subsections (1) and (2), the land which may be compulsorily acquired under those subsections shall include land which is or will be required—
- (a) for use in mitigating the effect on the environment of any of the works authorised by this Act,
  - (b) for use in relocating apparatus which it is expedient to divert or replace in consequence of the carrying out of any of the works authorised by this Act, or

- (c) for the purpose of being given in exchange for land forming part of a common, open space or fuel or field garden allotment which is acquired under section 6(1).
- (5) The power of acquiring land compulsorily under subsection (1) or (2) shall include power to acquire an easement or other right over land by the grant of a new right.
- (6) The Acquisition of Land Act 1981 (c. 67) shall apply to the compulsory acquisition of land under subsection (1) or (2); and Schedule 3 to that Act shall apply to a compulsory acquisition by virtue of subsection (5).
- (7) Part 1 of the Compulsory Purchase Act 1965 (c. 56), and the enactments relating to compensation for the compulsory purchase of land, shall apply to a compulsory acquisition by virtue of subsection (5) above with the modifications mentioned in paragraph 6(2)(a) and (b) of Schedule 6.
- (8) In this section—
  - “apparatus” includes a sewer, drain or tunnel and any structure for the lodging therein of apparatus or for gaining access to apparatus;
  - “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
  - “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
  - “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.

## **8 Extinguishment of private rights of way**

- (1) This section applies to land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used which is held by the Secretary of State as being required for or in connection with the works authorised by this Act.
- (2) All private rights of way over land to which this section applies shall be extinguished—
  - (a) in the case of land held immediately before the coming into force of this Act, on the coming into force of this Act, and
  - (b) in the case of land acquired after the coming into force of this Act, at the appropriate time.
- (3) Subsection (2) does not apply to—
  - (a) a right of way over land which, were it held otherwise than by the Secretary of State, would not be capable of being acquired under section 6(1), or
  - (b) a right of way to which section 271 or 272 of the Town and Country Planning Act 1990 (c. 8) (extinguishment of rights of statutory undertakers etc.) applies.
- (4) Subsection (2)(b) does not apply to a right of way that is excepted from the application of that provision by direction of the Secretary of State given before the appropriate time.
- (5) Subject to subsection (6), the references in subsections (2)(b) and (4) to the appropriate time are to the time of acquisition.
- (6) Where land—
  - (a) is acquired compulsorily, and

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*Status: This is the original version (as it was originally enacted).*

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(b) is land in respect of which the power conferred by section 11(1) of the Compulsory Purchase Act 1965 (c. 56) (power of entry following notice to treat) is exercised,

the references to the appropriate time are to the time of entry under that provision.

- (7) Any person who suffers loss by the extinguishment of any right of way under this section shall be entitled to be compensated by the nominated undertaker.
- (8) Any dispute as to a person's entitlement to compensation under this section, or as to the amount of such compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).

## **9 Extinguishment of rights of statutory undertakers etc.**

- (1) Sections 271 to 273 of the Town and Country Planning Act 1990 (c. 8) (extinguishment of rights of statutory undertakers etc.) shall apply in relation to land held by the Secretary of State as being land which is required for or in connection with the works authorised by this Act as they apply in relation to land acquired or appropriated as mentioned in section 271(1) of that Act.
- (2) In the application of sections 271 to 273 of that Act by virtue of subsection (1), references to the acquiring or appropriating authority shall be construed as references to the nominated undertaker.
- (3) In their application by virtue of subsection (1), sections 271 and 272 of that Act shall also have effect with the following modifications—
- (a) in subsection (2), for the words from “with” to “appropriated” there shall be substituted “authorised by the Crossrail Act 2008”, and
  - (b) in subsection (5), for the words from “local” to “or undertakers” there shall be substituted “a person other than a Minister, he”.
- (4) In the Town and Country Planning Act 1990, any reference to, or to any provision of, section 271, 272 or 273 shall include a reference to, or to that provision of, that section as applied by subsection (1).
- (5) In their application by virtue of subsection (4), the following provisions of that Act shall have effect with the following modifications—
- (a) in section 274(3), for “local authority or statutory undertaker” there shall be substituted “person”, and
  - (b) in sections 274(5), 279(2) to (4) and 280(6), references to the acquiring or appropriating authority shall be construed as references to the nominated undertaker.