

# CROSSRAIL ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SCHEDULES

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

##### **Part 1 – Purposes for which certain land may be acquired**

180. *Part 1* sets out in a table the purposes for which certain land may be acquired. The land identified in columns (1) and (2) may be acquired or used for the purpose set out in column (3). This table therefore gives an indication of the purposes for which certain parcels of land may be acquired or used (for example, utility diversions, means of access, or for a worksite).

##### **Part 2 – Application of legislation relating to compulsory purchase**

181. *Paragraphs 1, 2 and 3* provide that the Lands Clauses Consolidation Act 1845 will not apply to the compulsory acquisition of land under the Act. Instead, Part 1 of the Compulsory Purchase Act 1965 is to apply, as it applies to a compulsory purchase order to which Schedule 1 to the Acquisition of Land Act 1981 applies, and as if the Act were a compulsory purchase order under the 1981 Act. However, section 4 of the 1965 Act is not to apply and section 11 of and Schedule 3 to the 1965 Act are to have effect with the amendments mentioned in paragraph 3(3) and (4). These amendments extend the normal time period between notice to treat and entering and taking possession of land from 14 days to one month (in the case of subsoil, or where an easement or other right only is sought) and from 14 days to three months (in the case of all other land).
182. *Paragraphs 4 and 5* provide that the Compulsory Purchase (Vesting Declarations) Act 1981, an alternative means of obtaining land the subject of compulsory purchase, is to apply with modifications as if the Act were a compulsory purchase order. Similar amendments to the application of the 1981 Act as can be found in paragraph 5 of Schedule 4 to the Channel Tunnel Rail Link Act 1996 are also made.

##### **Part 3 – Supplementary provisions**

183. *Paragraphs 6 and 7* allow for the Secretary of State, instead of acquiring all of a person's interests in land outright, to have the power to acquire compulsorily easements and other rights for any purpose for which the land may be acquired, by creating new easements or rights. Where a new right is created, the Compulsory Purchase Act 1965 as applied by the Act is to have effect subject to the modifications mentioned in paragraph 7.
184. *Paragraph 8* sets out land where, in order to reduce blight, rights of way only over land may be obtained. In such cases the Secretary of State is not to have power to acquire the land itself.
185. *Paragraph 9* sets out land where, because it is railway land comprised in the Heathrow Express Railway or needed for access to such land, rights only over land may be obtained. In this case, the rights that may be acquired are limited to rights of access to, or passage along, the existing railway.

*These notes refer to the Crossrail Act 2008 (c.18)  
which received Royal Assent on 22 July 2008*

186. *Paragraph 10* sets out land where the compulsory purchase power in section 6 is limited to only so much of the land in question as is described in the table in the paragraph. These limitations are intended to reduce blight.
187. *Paragraph 11* gives the Secretary of State the power to acquire subsoil only, without being required to acquire any greater interest in any other part of the land. Certain of the land shown on the deposited plans is required for underground running tunnels and ancillary works which will be more than 9 metres deep. In these cases it is proposed that only the subsoil of the land may be taken (that is, where it is at a depth of more than 9 metres below the surface of the land). A table of this “subsoil only” land is included in the paragraph.
188. *Paragraph 12* sets out further land where the compulsory purchase power in section 6 is limited to rights of way or subsoil more than 9 metres below the surface only.
189. *Paragraph 13* allows the Secretary of State, by order, to provide that new rights may be acquired by such persons as are specified in the order. Some of the land within the Act limits, particularly that outside the limits of deviation but within the limits of land to be acquired or used, is intended to be used for the purposes of diverting statutory undertakers’ apparatus. For apparatus placed underground, it would be common for this to be done by the acquisition of easements by the utility concerned, rather than by acquiring the land outright. This paragraph permits this.
190. *Paragraphs 14, 15 and 16* provide, as is traditional in Acts providing for the acquisition of land, an alternative procedure to that set out in section 8(1) of the Compulsory Purchase Act 1965 relating to the acquisition of part only of certain properties. This alternative procedure would have to be invoked by appending the alternative provisions to the relevant notice to treat when it is served.
191. *Paragraph 17* applies the provisions about minerals applying to compulsory purchase orders in Schedule 2 to the Acquisition of Land Act 1981.
192. *Paragraphs 18 and 19* set out the arrangements to apply if the Secretary of State extends the time limit for the exercise of compulsory purchase powers under section 6(7).
193. *Paragraph 20* applies section 4 of the Acquisition of Land Act 1981, which deals with situations where unnecessary things have been done to obtain compensation or increased compensation, as if the Act were a compulsory purchase order for the purposes of the 1981 Act.