
*Changes to legislation: There are currently no known outstanding effects
for the Crossrail Act 2008, Part 3. (See end of Document for details)*

SCHEDULES

SCHEDULE 6

ACQUISITION OF LAND SHOWN WITHIN LIMITS ON DEPOSITED PLANS

PART 3

SUPPLEMENTARY PROVISIONS

Acquisition of new rights

- 6 (1) The power conferred by section 6(1) shall include power to create and acquire such easements or other rights over land to which the power relates as may be required for or in connection with the works authorised by this Act or otherwise for or in connection with Crossrail.
- (2) Part 1 of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 6(1), and the enactments relating to compensation for the compulsory purchase of land, shall apply to a compulsory acquisition by virtue of sub-paragraph (1)—
- (a) with the modifications specified in paragraph 7, and
 - (b) with such other modifications as may be necessary.
- 7 (1) The modifications referred to in paragraph 6(2)(a) are as follows.
- (2) For section 7 of the Compulsory Purchase Act 1965 there shall be substituted—

“7 Measure of compensation in case of purchase of new right

In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had, not only to the extent (if any) to which the value of the land over which the right is purchased is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

- (3) In section 8 of that Act (provisions as to divided land) for subsection (1) there shall be substituted—
- “(1) This subsection applies where—
- (a) a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”) has been served on a person under section 5 of this Act,
 - (b) in consequence of the service of the notice, a question of disputed compensation in respect of the purchase of the right would, apart

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from this section, fall to be determined by the [^{F1}Upper Tribunal], and

- (c) before the [^{F2}Upper Tribunal has] determined that question, the person on whom the notice has been served satisfies [^{F3}the Upper Tribunal] that the relevant conditions are met.

(1A) The relevant conditions are—

- (a) that he has an interest which he is able and willing to sell in the whole of the relevant land;
- (b) where the relevant land consists of a house, building or manufactory, that it cannot be made subject to the right without material detriment to it; and
- (c) where the relevant land consists of a park or garden belonging to a house, that it cannot be made subject to the right without seriously affecting the amenity or convenience of the house.

(1B) Where subsection (1) above applies—

- (a) the compulsory purchase order shall, in relation to the person on whom the notice to treat has been served—
- (i) cease to authorise the purchase of the right to which the notice relates, and
- (ii) be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of a park or garden belonging to a house, the house, and
- (b) the notice to treat shall be deemed to have been served in respect of that interest on such date as the [^{F4}Upper Tribunal directs].

(1C) Any question as to the extent of the land in which the compulsory purchase order is deemed to authorise the purchase of an interest by virtue of subsection (1B)(a)(ii) of this section shall be determined by the [^{F5}Upper Tribunal].

(1D) Where the [^{F6}Upper Tribunal determines] that the person on whom a notice to treat has been served has satisfied [^{F7}the Upper Tribunal] as mentioned in subsection (1)(c) of this section, the acquiring authority may withdraw the notice at any time within the period of six weeks beginning with the date of the determination.

(1E) Subsection (1D) of this section is without prejudice to any other power of the acquiring authority to withdraw the notice to treat.”

- (4) The following provisions of that Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely—

section 9(4) (failure of owners to convey),
 paragraph 10(3) of Schedule 1 (owners under incapacity),
 paragraph 2(3) of Schedule 2 (absent and untraced owners), and
 paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

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- (5) Section 11 of that Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on enforcement officer's or sheriff's warrant in the event of obstruction) of that Act shall be modified correspondingly.
- (6) Section 20 of that Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the land, but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.
- (7) Section 22 of that Act (protection of acquiring authority's possession of land where interest accidentally omitted from purchase) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.
- (8) References in that Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—
- (a) the right acquired or to be acquired, or
 - (b) the land over which the right is, or is to be, exercisable.
- (9) In the Land Compensation Act 1973 (c. 26), for section 44 there shall be substituted—

“44 Compensation for injurious affection

- (1) Where a right over land is purchased from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable.
- (2) In this section, “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the Compulsory Purchase Act 1965 as applied by paragraph 6(2) of Schedule 6 to the Crossrail Act 2008.”
- (10) For section 58 of that Act there shall be substituted—

“58 Determination of material detriment where right over part of house etc. proposed for compulsory acquisition

- (1) Subsection (2) applies where the [^{F8}Upper Tribunal] is determining under section 8(1)(c) of the Compulsory Purchase Act 1965, as applied by paragraph 6(2) of Schedule 6 to the Crossrail Act 2008, whether—
- (a) a right over part of a house, building or manufactory can be taken without material detriment to the house, building or manufactory, or

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- (b) a right over part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house.
- (2) The Tribunal shall take into account, not only the effect of the right on the whole of the house, building or manufactory or of the house and the park or garden, but also the use to be made of the rights proposed to be acquired and, in a case where the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”

Textual Amendments

- F1** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 290(2)(a)(i)** (with Sch. 5)
- F2** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, Sch. 1 para. 290(2)(a)(ii)(aa) (with Sch. 5)
- F3** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, Sch. 1 para. 290(2)(a)(ii)(bb) (with Sch. 5)
- F4** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 290(2)(b)** (with Sch. 5)
- F5** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 290(2)(c)** (with Sch. 5)
- F6** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 290(2)(d)(i)** (with Sch. 5)
- F7** Words in Sch. 6 para. 7(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 290(2)(d)(ii)** (with Sch. 5)
- F8** Words in Sch. 6 para. 7(10) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 290(3)** (with Sch. 5)

Limitation of power of acquisition to rights only

- 8 In the case of land specified in the following table, the power conferred by section 6(1) shall be exercisable only in relation to the creation and acquisition of easements or other rights over land for the passage of persons or vehicles (with or without materials, plant and machinery) for the purpose of or in connection with the construction or maintenance of the works authorised by this Act.

<i>(1)</i> Area	<i>(2)</i> No. on deposited plans
London Borough of Hammersmith & Fulham	10 and 11

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Royal Borough of Kensington & Chelsea	3
City of Westminster	58, 59, 207 and 210
City of London	15 and 16
London Borough of Tower Hamlets	245a, 575, 576, 578 and 579 678, 679, 700, 703, 706, 710, 718, 725, 726, 728, 729, 731c, 731d, 731e, 731f, 736, 742, 746, 747, 759a, 763, 764, 766, 769, 772, 773 and 777 821 and 822 980, 982 and 986
London Borough of Newham	8g 42a and 42b 93, 113 and 116 99, 104 and 109 123, 135, 144, 165 and 176 563, 564 and 569 602, 603, 613 and 614
London Borough of Greenwich	37, 40, 40a, 40b, 44 and 52 114, 117, 118, 121, 122, 123 and 129 116
London Borough of Bexley	27 42 84a 93, 99 and 102
London Borough of Redbridge	87b, 96 and 96a
London Borough of Havering	32
Royal Borough of Windsor & Maidenhead	6 and 8 23 and 24
District of South Bucks	2 and 3 87, 88, 90, 92, 109 and 112 94, 96 and 100
Borough of Slough	17 and 25 28 to 30 and 37 46 to 48 82 and 85

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	169
	217
London Borough of Hillingdon	1
	127a
	143, 147, 148, 158 and 160
	178 and 178a
London Borough of Ealing	165

- 9 In the case of land specified in the following table, the power conferred by section 6(1) shall be exercisable only in relation to—
- (a) the creation and acquisition of easements or other rights over land for access to an existing railway, and
 - (b) where the land is comprised in an existing railway, the creation and acquisition of easements or other rights over land for the passage of trains, including locomotives and other vehicles carried on flanged wheels, together with easements and other rights ancillary thereto.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>No. on deposited plans</i>
London Borough of Hillingdon	260 to 325

Limitation of power of acquisition to land of specified description

- 10 In the case of land specified in columns (1) and (2) of the following table, the power conferred by section 6(1) shall be exercisable only in relation to so much of the land as falls within the description specified in relation to it in column (3) of the table—

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>No. on deposited plans</i>	<i>(3)</i> <i>Description of land subject to power of acquisition</i>
City of Westminster	79 and 80	Land comprised within car park, road off Orsett Terrace and adjoining railway facilities.
	96, 102, 103, 124 and 125	Operational works and land comprised within Paddington Station (main line and underground) and road off Praed Street.
	105	Basement level of building and subsoil beneath.
	106	Basement level of building.

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	324, 324a and 324b	Operational works and land comprised within Bond Street Station.
	323, 325a, 326a, 328, 339a and 693 to 709	Operational works and land comprised within Bond Street Station together with such of the subsoil or under-surface of the land specified in columns (1) and (2) to which this description relates as lies beneath that station or as lies more than 9 metres below the level of the surface of the land.
London Borough of Camden	8a	Ground floor, reception area, entrance, fire escape and paved area (Centre Point).
London Borough of Islington	16	Operational works and land comprised within Farringdon Station.
	17	Operational works and land comprised within Farringdon Station together with such of the subsoil or under-surface of the land specified in columns (1) and (2) to which this description relates as lies beneath that station or as lies more than 9 metres below the level of the surface of the land.
	21	Underground car park (Caxton House) and subsoil beneath.
	22, 23 and 26	Underground car parks (Caxton House and Snow Hill).
	98	Operational works and land comprised within Moorgate Station.
City of London	5 and 6	Underground car park (Snow Hill) and access road.

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11	Operational works and land comprised within Moorgate branch railway together with such of the subsoil or under-surface of the land specified in columns (1) and (2) to which this description relates as lies beneath that railway or as lies more than 9 metres below the level of the surface of the land.
12	Operational works and land comprised within Moorgate Branch railway.
13	Underground car park (Smithfield) and subsoil beneath.
14	Underground car park (Smithfield).
49	Operational works and land comprised within Barbican Station together with such of the subsoil or under-surface of the land specified in columns (1) and (2) to which this description relates as lies beneath that station or as lies more than 9 metres below the level of the surface of the land.
50	Operational works and land comprised within Barbican Station.
75 and 90 to 92	Operational works and land comprised within Moorgate Station.
76, 77 and 79	Operational works and land comprised within Moorgate Station together with such of the subsoil or under-surface of the land specified in columns (1) and (2) to which this description relates as lies beneath that station or as lies more than 9 metres

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		below the level of the surface of the land.
	133, 139, 139a, 141, 141a, 146, 150 and 151	Operational works and land comprised within Liverpool Street Station.
	119, 120, 122, 142, 144, 148 and 149	Operational works and land comprised within Liverpool Street Station together with such of the subsoil or under-surface of the land specified in columns (1) and (2) to which this description relates as lies beneath that station or as lies more than 9 metres below the level of the surface of the land.
London Borough of Tower Hamlets	714a, 714b, 714c, 765b and 767b	Subsoil or undersurface of the land between 5 metres and 20 metres beneath the level of the surface of the land.
	717b, 727, 727a, 735b and 765a	Dock, bed thereof, dock wall (Banana Wall), operational works and land comprised within West India Dock (North).
London Borough of Hillingdon	260 to 325	Operational railway facilities (Heathrow Express Railway), including shafts and compounds together with access roads thereto.

Acquisition of subsoil

- 11 (1) In the case of land specified in the following table, the power conferred by section 6(1) shall only be exercisable 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.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>No. on deposited plans</i>
City of Westminster	104, 107, 109, 135 to 204, 208, 211, 212, 219 to 310, 312 to 322, 326b, 326e, 330 to 338, 344 to 351, 352 to 415, 418, 424, 425 to 428, 430 to 435, 441 to 446, 451, 452, 456 to 547, 552 to

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	565, 588 to 594, 596, 597, 601 to 611, 613 to 642, 649 to 658, 663 to 665, 667 to 672, 675 and 677 to 683
London Borough of Camden	17 to 29, 33 to 139, 144, 145, 149 to 152, 156 to 278 and 280
London Borough of Islington	2, 18, 20, 27, 28, 30 to 33, 35 to 82 and 86 to 88
City of London	39 to 41, 44 to 48, 51, 56 to 59, 61 to 70, 78, 94, 95, 98 to 100, 106, 107, 109 to 112, 118, 126 to 132, 137, 140, 152 to 158, 162 and 165 to 208
London Borough of Tower Hamlets	1 to 157, 159, 160, 164, 166, 167, 170 to 223, 226 to 239, 241, 242, 268, 274, 276, 278, 282, 283, 285, 286, 291, 296 to 387, 401, 402, 404 to 574, 589, 591 to 629, 631 to 663, 665 to 677, 680 to 698, 701, 702, 704, 705, 708, 711, 778 to 787, 791 to 793, 795, 797 to 806, 812 to 819, 823 to 843, 845 to 847, 849 to 864, 989, 992, 994 to 1134, 1136 to 1139, 1141, 1149, 1153, 1156 to 1223, 1225, 1226, 1228, 1230, 1231, 1233, 1234, 1236, 1237, 1240, 1241, 1244 to 1246, 1254, 1256, 1259 to 1263, 1265, 1266, 1268 to 1270, 1272 to 1274, 1276 to 1285, 1287, 1288 to 1293, 1296 to 1306, 1308, 1310 to 1312, 1315 to 1317, 1319 to 1329, 1331, 1331a, 1332, 1333, 1333a, 1335, 1335a, 1336, 1336a, 1337, 1338, 1338a, 1339, 1341, 1341a, 1342, 1344, 1345, 1346, 1346a, 1347 to 1369, 1369a, 1370, 1370a, 1371 to 1374, 1374a, 1375 to 1378, 1380, 1381, 1383 to 1388, 1390 to 1395, 1398 to 1402, 1404, 1405, 1407, 1408, 1414 to 1420, 1425 to 1439 and 1441
London Borough of Newham	1, 11 to 41, 43, 44, 214, 218, 256, 280, 283 to 287, 289 to 292
London Borough of Greenwich	1, 2, 6, 8 to 10, 12 to 14, 16 to 29, 49a, 51a, 52a, 53a, 54a, 55a, 56a, 57a, 58a, 59a, 59b, 59c, 59d, 59e, 88a, 93a, 93b, 93c, 93d and 93e

- (2) In the case of any other land, the power conferred by section 6(1) shall, subject to paragraph 10, be exercisable as well in relation to the subsoil or under-surface only as in relation to the land as a whole.
- (3) The following shall not apply where the power conferred by section 6(1) is exercised in relation to the subsoil or under-surface of land only—

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- (a) section 8(1) of the Compulsory Purchase Act 1965 (c. 56) (limitation on right to require a person to sell part only of any house, building, manufactory or park or garden belonging to a house);
- (b) Schedule 1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) (corresponding provision in case of general vesting declaration).

Limitation of power of acquisition in relation to land not more than 9 metres below the surface

- 12 In the case of land specified in the following table, the power conferred by section 6(1), so far as relating to so much of the land as does not lie more than 9 metres beneath the level of its surface, shall be exercisable only in relation to the creation and acquisition of easements or other rights over land for the passage of persons or vehicles (with or without materials, plant and machinery) for the purpose of or in connection with the construction or maintenance of the works authorised by this Act.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>No. on deposited plans</i>
City of Westminster	429
London Borough of Tower Hamlets	245, 577, 709, 776 and 807

Extension of power to acquire new rights

- 13 (1) The Secretary of State may by order provide that section 6(1), so far as relating to acquisition by virtue of paragraph 6(1), shall be treated as also authorising acquisition by such person as may be specified in the order.
- (2) The power to make an order under sub-paragraph (1) includes power to make an order varying or revoking any order previously made under that provision.

Modifications etc. (not altering text)

- C1 Sch. 6 para. 13(1) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

Acquisition of part only of certain properties

- 14 (1) Where—
- (a) a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 6(1), is served in respect of land forming part only of a house, building or manufactory or part only of land consisting of a house with a park or garden, and
 - (b) a copy of this paragraph is served with the notice to treat,
- the following provisions of this paragraph, with paragraphs 15 and 16, shall apply instead of section 8(1) of the Compulsory Purchase Act 1965.
- (2) The person on whom the notice to treat is served (“the owner”) may within the period of 21 days beginning with the day on which the notice to treat is served on him, serve on the Secretary of State a counter-notice objecting to the sale of the part (“the land

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subject to the notice to treat”) and stating that he is willing and able to sell the whole (“the land subject to the counter-notice”).

- (3) If no counter-notice is served under sub-paragraph (2), the owner shall be required to sell the land subject to the notice to treat.
- (4) If a counter-notice is served under sub-paragraph (2) and the Secretary of State agrees to take the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (5) If a counter-notice is served under sub-paragraph (2) and the Secretary of State does not agree to take the land subject to the counter-notice, the question as to what land the owner is to be required to sell shall be referred to the [F9Upper Tribunal].

Textual Amendments

F9 Words in Sch. 6 para. 14(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 290(4)** (with Sch. 5)

Modifications etc. (not altering text)

C2 Sch. 6 para. 14(2) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

C3 Sch. 6 para. 14(4)(5) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

- 15 (1) If, on a reference under paragraph 14(5), the [F10Upper Tribunal determines] that the land subject to the notice to treat can be taken—
 - (a) without material detriment to the remainder of the land subject to the counter-notice, and
 - (b) where the land subject to the notice to treat consists of or includes garden only land, without seriously affecting the amenity and convenience of the house to which the garden only land belongs,
 the owner shall be required to sell the land subject to the notice to treat.
- (2) If, on such a reference, the [F10Upper Tribunal determines] that only part of the land subject to the notice to treat can be taken as mentioned in sub-paragraph (1), the notice to treat shall, subject to sub-paragraph (3), be deemed to be a notice to treat for that part.
- (3) Where the land subject to the notice to treat is not land which consists of or includes garden only land, sub-paragraph (2) shall only have effect to deem the notice to treat to be a notice to treat for land which does consist of or include garden only land if the [F10Upper Tribunal determines] that that land can be taken without seriously affecting the amenity and convenience of the house to which the garden only land belongs.
- (4) If, on such a reference, the [F10Upper Tribunal determines]—
 - (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, but
 - (b) that the material detriment is confined to part of the remainder of that land,
 then, except where sub-paragraph (5) applies, the notice to treat shall be deemed to be a notice to treat in addition for the land to which the material detriment is confined.

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- (5) If, in a case where the land subject to the notice to treat consists of or includes garden only land, the [^{F10}Upper Tribunal determines] on such a reference that none of the land subject to the notice to treat can be taken without seriously affecting the amenity or convenience of the house to which the garden only land belongs, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (6) If, on such a reference, the [^{F10}Upper Tribunal determines]—
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, and
 - (b) that the material detriment is not confined to part of the remainder of that land,
- the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (7) For the purposes of this paragraph, the land subject to the notice to treat consists of or includes garden only land if—
- (a) it consists of the whole or part of a park or garden belonging to a house, or
 - (b) it includes the whole or part of such a park or garden but does not include the house or any part of it.

Textual Amendments

F10 Words in [Sch. 6 para. 15\(1\)-\(6\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 290\(5\)](#) (with [Sch. 5](#))

- 16 (1) Where under paragraph 15 a notice to treat is deemed by virtue of a determination of the [^{F11}Upper Tribunal] to be a notice to treat for less land or more land than that specified in the notice, the Secretary of State may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice.
- (2) If the Secretary of State withdraws a notice to treat under sub-paragraph (1), he shall pay the person on whom the notice was served compensation for any loss or expense occasioned to that person by the giving and withdrawal of the notice, such compensation to be determined in case of dispute by the [^{F12}Upper Tribunal].
- (3) Where under paragraph 14 or 15 a person is required to sell part only of a house, building or manufactory or of land consisting of a house with a park or garden, the Secretary of State shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of the interest acquired.
- (4) A notice to treat shall have the effect which it is deemed to have under paragraph 14(4) or 15(4), (5) or (6) whether or not the additional land is, apart from that provision, land which the Secretary of State is authorised to acquire compulsorily under this Act.

Textual Amendments

F11 Words in [Sch. 6 para. 16\(1\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 290\(6\)](#) (with [Sch. 5](#))

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F12 Words in Sch. 6 para. 16(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 290(6)** (with Sch. 5)

Modifications etc. (not altering text)

C4 Sch. 6 para. 16 modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

Minerals

- 17 (1) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (c. 67) (exception of minerals from compulsory purchase and regulation of the working of mines or minerals underlying an authorised undertaking) shall have effect in relation to land to which section 6(1) applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.
- (2) In their application by virtue of sub-paragraph (1), Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 shall have effect with the following modifications—
- (a) references to the acquiring authority, except the second reference in paragraph 6, shall be construed as references to the nominated undertaker, and
 - (b) references to the undertaking shall be construed as references to the undertaking which the nominated undertaker is authorised by this Act to carry on.

Power to require acquisition where time limit extended

- 18 (1) If the Secretary of State makes an order under section 6(7), the following provisions shall have effect as from the coming into operation of the order.
- (2) If an owner or lessee of any of the land in relation to which the order is made gives notice in writing to the Secretary of State that he desires his interest in such of that land as is specified in the notice to be acquired by the Secretary of State, the Secretary of State shall, within the period of 3 months immediately following receipt of the notice—
- (a) enter into an agreement with him for the acquisition of his interest in the whole or part of the land specified in the notice,
 - (b) exercise the relevant powers of compulsory acquisition in respect of his interest in the whole or part of the land specified in the notice, or
 - (c) serve on him notice in writing of the Secretary of State's intention not to proceed with the purchase of his interest in any of the land specified in the notice.
- (3) Where a person gives the Secretary of State notice under sub-paragraph (2) and the Secretary of State—
- (a) fails to comply with the requirements of that sub-paragraph,
 - (b) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph, or
 - (c) serves on the owner notice in compliance with paragraph (c) of that sub-paragraph,
- the relevant powers of compulsory acquisition shall cease to be exercisable in respect of that person's interest in any of the land specified in the notice under sub-paragraph (2).

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Part 3. (See end of Document for details)

- (4) Where—
- (a) a person gives the Secretary of State notice under sub-paragraph (2), and
 - (b) the Secretary of State acquires in pursuance of paragraph (a) or (b) of that sub-paragraph that person's interest in some, but not all, of the land specified in the notice,
- the relevant powers of compulsory acquisition shall cease to be exercisable in respect of that person's interest in the remainder of that land.
- (5) References in this paragraph to the relevant powers of compulsory acquisition are to—
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965 (c. 56), as applied to the acquisition of land under section 6(1), and
 - (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66), as applied by paragraph 4 above.
- (6) In this paragraph—
- “lessee” means a person who holds an interest under a lease for a period of which not less than 21 years is unexpired at the date of the giving of any notice by that person under sub-paragraph (2);
- “owner”, in relation to any land, means 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.

Modifications etc. (not altering text)

- C5** Sch. 6 para. 18(2)-(4) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

- 19 Paragraph 18 shall not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than 9 metres below the level of the surface of the land.

Compensation

- 20 Section 4 of the Acquisition of Land Act 1981 (c. 67) (assessment of compensation in relation to a compulsory purchase where unnecessary things done with a view to obtaining compensation) shall have effect in relation to a compulsory purchase under this Act as if it were a compulsory purchase for the purposes of that Act.

Changes to legislation:

There are currently no known outstanding effects for the Crossrail Act 2008, Part 3.