
STATUTORY INSTRUMENTS

1999 No. 537

**The Channel Tunnel Rail Link
(Boarley Lane Diversion) Order 1999**

PART III

ACQUISITION OF LAND

Temporary occupation of certain land

10.—(1) Eurostar may, in connection with the diversion or alteration of Boxley 132kV overhead electric cable (PN) in the County of Kent, Borough of Maidstone, Parish of Boxley, pursuant to paragraph 1(1) or 3 of Schedule 2 to the principal Act, enter upon and take possession of the land in that Parish within the limit of land to be temporarily occupied shown on the deposited plan in order to provide working space and to enable the temporary lowering or disconnection of the cable and other operations to facilitate the diversion or alteration.

(2) Not less than 28 days before entering upon and taking possession of land under this article, Eurostar shall give notice to the owners and occupiers of the land of its intention to do so.

(3) Eurostar may not remain in possession of any land under this article after the end of the period of one month beginning with the date of completion of the diversion or alteration work unless the owners of the land agree otherwise.

(4) All private rights of way over land of which Eurostar takes possession under this article shall be suspended and unenforceable for as long as it remains in lawful possession of the land.

(5) Eurostar shall pay compensation to the owners and occupiers of land of which possession is taken under paragraph (1) above for any loss which they may suffer by reason of the exercise in relation to the land of the powers conferred by that paragraph, and to any person who suffers loss by the suspension of a right under paragraph (4) above.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5) above, or as to the amount of compensation, shall be determined under and in accordance with Part I of the Land Compensation Act 1961(1).

(7) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act, as applied to the acquisition of land under article 5 above or section 4(1) of the principal Act, or under any other enactment, otherwise than for loss for which compensation is payable under paragraph (5) above.

(8) If a licence holder within the meaning of Part I of the Electricity Act 1989 carries out the diversion or alteration of the said overhead electric cable in connection with or to facilitate the construction of the works authorised by the principal Act and the Secretary of State consents in writing, that licence holder may exercise the powers exercisable by Eurostar under this article; and if the licence holder does so exercise those powers, paragraphs (2) to (7) above shall apply to the licence holder accordingly.

(1) 1961 c. 33.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
