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STATUTORY INSTRUMENTS

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**2007 No. 2297**

**The Docklands Light Railway (Capacity Enhancement  
and 2012 Games Preparation) Order 2007**

**PART 3**

ACQUISITION AND POSSESSION OF LAND

*Temporary possession of land*

**Temporary use of land for construction of works**

- 26.**—(1) DLRL may, in connection with the carrying out of the authorised works—
- (a) enter upon and take temporary possession of—
    - (i) the land specified in columns (1) and (2) of Schedule 7 for the purpose specified in relation to that land in column (3) of that Schedule in connection with the authorised works (or any of those works) so specified in column (4) of that Schedule; and
    - (ii) any of the land within the Order limits in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
  - (b) remove any buildings and vegetation from the land referred to in sub-paragraph (a)(i) and (a)(ii); and
  - (c) construct temporary works (including the provision of means of access) and buildings on the land referred to in sub-paragraph (a)(i) and (a)(ii).
- (2) Not less than 14 days before exercising the powers of paragraph (1), DLRL shall serve notice of the intended entry or use on the owners and occupiers of the land.
- (3) DLRL may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—
- (a) in the case of land specified in columns (1) and (2) of Schedule 7, after the end of the period of 2 years beginning with the date of completion of the work specified in relation to that land in column (4) of that Schedule; or
  - (b) in the case of land within the Order limits, after the end of the period of 2 years beginning with the date of completion of the work for which temporary possession of the land was taken unless DLRL has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, DLRL shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but DLRL shall not be required to replace a building removed under this article.

(5) DLRL shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Without prejudice to article 46 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where DLRL takes possession of or uses any land under this article, it shall not be required to acquire the land or any interest in it.

(9) In this article and article 27 (temporary use of land for maintenance of work) "building" includes structure or any other erection.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land authorised under this article to the same extent as it applies to the acquisition of land authorised under this Order by virtue of article 21(1) (application of Part 1 of the Compulsory Purchase Act 1965).

### **Temporary use of land for maintenance of works**

27.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, DLRL may—

- (a) enter upon and take temporary possession of any land within the Order limits and lying within 20 metres from any authorised work, if such possession is reasonably required for the purpose of, or in connection with, maintaining that work or any ancillary works connected with it or securing the safe operation of any such work; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise DLRL to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article DLRL shall serve notice of the intended entry on the owners and occupiers of the land.

(4) DLRL may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, DLRL shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) DLRL shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(8) Without prejudice to article 46 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where DLRL takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land authorised under this article to the same extent as it applies to the acquisition of land authorised under this Order by virtue of article 21(1) (application of Part 1 of the Compulsory Purchase Act 1965).

(11) In this article—

- (a) “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for public use; and
- (b) any reference to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of the point on the surface below which the work is situated.