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STATUTORY INSTRUMENTS

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**2014 No. 3102**

The London Underground (Northern  
Line Extension) Order 2014

PART 3

ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

**Power to acquire land**

**23.**—(1) LUL may acquire compulsorily so much of the land shown on the deposited plans within the limits of deviation and described in the book of reference as may be required for the purposes of the authorised works and may use any land so acquired for those purposes or for any other purposes that are ancillary to its undertaking.

(2) This article is subject to article 28 (subsoil or new rights only to be acquired under or in certain lands).

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**Commencement Information**

**I1** Art. 23 in force at 15.12.2014, see [art. 1](#)

**Application of Part 1 of the 1965 Act**

**24.**—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies; and
- (b) as if this Order were a compulsory purchase order made under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

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**Commencement Information**

**I2** Art. 24 in force at 15.12.2014, see [art. 1](#)

### Application of the Compulsory Purchase (Vesting Declarations) Act 1981

**25.**—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(2) applies to LUL as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) substitute—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.

(5) In that section, for subsections (5) and (6) substitute—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2).

(7) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(8) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land by article 24 (application of Part 1 of the 1965 Act).

#### Commencement Information

**I3** Art. 25 in force at 15.12.2014, see [art. 1](#)

### Power to acquire new rights, etc.

**26.**—(1) LUL may acquire compulsorily such easements or other rights over any land referred to in article 23 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) LUL may impose restrictive covenants affecting any land referred to in article 23 as may be required for the purpose of protecting the authorised railway.

(3) Subject to section 8 of the 1965 Act (other provisions as to divided land) (as substituted by paragraph 5 of Schedule 3 (modification of compensation and compulsory purchase enactments for

creation of new rights)), where LUL acquires a right over land or the benefit of a restrictive covenant over land under paragraph (1) or (2) LUL is not required to acquire a greater interest in that land.

(4) Schedule 3 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article or article 28 (subsoil or new rights only to be acquired under or in certain lands) of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(5) Paragraph (6) applies to land to which this article applies and which is used for the relocation of any apparatus which it is expedient to divert or replace in consequence of the carrying out of the authorised works.

(6) In relation to the land to which this paragraph applies, the power to acquire or create easements or other rights under paragraph (1) is to be treated as also authorising the acquisition or creation by a statutory undertaker in any case where the Secretary of State gives consent in writing for that acquisition or creation.

(7) The reference in paragraph (6) to a “statutory undertaker” means a licence holder within the meaning of Part 1 of the Electricity Act 1989<sup>(3)</sup>, a gas transporter within the meaning of Part 1 of the Gas Act 1986<sup>(4)</sup>, a water undertaker within the meaning of the Water Industry Act 1991<sup>(5)</sup>, a sewerage undertaker within the meaning of Part 1 of that Act, any local authority which is a relevant local authority for the purposes of section 97 (performance of sewerage undertaker’s functions by local authorities, etc.) of that Act and a public communications provider within the meaning of section 151 (interpretation of Chapter 1) of the Communications Act 2003<sup>(6)</sup>.

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#### Commencement Information

**I4** Art. 26 in force at 15.12.2014, see [art. 1](#)

#### Power to acquire subsoil only

**27.**—(1) LUL may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in article 23 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where LUL acquires any part of or rights in the subsoil of land under paragraph (1) LUL is not required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent article 34 (acquisition of part of certain properties) from applying where LUL acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

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#### Commencement Information

**I5** Art. 27 in force at 15.12.2014, see [art. 1](#)

#### Subsoil or new rights only to be acquired under or in certain lands

**28.**—(1) This article applies to the land specified in Schedule 4 (acquisition of subsoil and new rights only).

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<sup>(3)</sup> 1989 c. 29.

<sup>(4)</sup> 1986 c. 44.

<sup>(5)</sup> 1991 c. 56.

<sup>(6)</sup> 2003 c. 21.

(2) In the case of the land specified in Part 1 of Schedule 4, LUL's power of compulsory acquisition under article 23 (power to acquire land) is limited to the acquisition of, or the acquisition of such easements or other new rights or the imposition of restrictive covenants over, so much of the subsoil of the land as LUL may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(3) Where LUL acquires any part of, or acquires easements or other new rights or imposes restrictive covenants over the subsoil of land specified in Part 1 of Schedule 4, article 26(3) (power to acquire new rights, etc.) applies to the same extent as it applies to the acquisition of a new right under that article.

(4) In the case of the land specified in Part 2 of Schedule 4, LUL's power of compulsory acquisition under article 23 is limited to the acquisition of such easements or other new rights in the land or the imposition of such restrictive covenants over the land as it may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(5) Where LUL acquires easements or other new rights or imposes restrictive covenants over the land specified in Part 2 of Schedule 4, article 26(3) applies to the same extent as it applies to the acquisition of a new right under that article.

(6) In the case of the land specified in Part 3 of Schedule 4, LUL's power of compulsory acquisition under article 23 is limited at surface level and above to the acquisition of such easements or other new rights in the land or the imposition of such restrictive covenants over the land as it may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(7) Where LUL acquires easements or other new rights or imposes restrictive covenants over the land specified in Part 3 of Schedule 4, article 26(3) applies to the same extent as it applies to the acquisition of a new right under that article.

(8) References in this article to the subsoil of land are references to the subsoil lying 9 metres or more beneath the level of the surface of the land except in the case of the land set out in the table below, where the references are to the subsoil lying at and below the depth specified in the table beneath the level of the surface of the land.

<i>Number of land shown on the deposited plans</i>	<i>Depth beneath the level of the surface of the land</i>
20185	2 metres
20030, 20040, 20060, 20075, 20100, 20102, 20111, 20115, 20126, 20150, 20170 and 20178	4 metres
70005	5 metres
60710, 60720, 60725, 60730, 60810, 60815, 60820, 60825, 60830, 60840, 60850, 60885, 60890, 60900, 60910, 60955, 60975, 60980, 60990, 60995, 61005, 61010, 61020, 61025, 61035, 61040, 61045, 61050, 61055, 61060, 61065, 61070, 61080, 61142, 61155, 61160, 61165, 61170, 61175, 61180, 61190 and 61200	6 metres
20050, 20240, 20285, 20325, 20335, 20340, 20345, 20365, 20370, 20375, 20380, 20385, 20405, 20410, 20425, 20430, 20450, 20465, 20471, 20475, 20480, 20500, 20505, 30006, 30010, 30015, 30020, 30025, 30045, 30046, 30050, 30055, 30060, 30080, 30085, 30105, 30120, 30125, 30135 and 30145	7 metres

<i>Number of land shown on the deposited plans</i>	<i>Depth beneath the level of the surface of the land</i>
61555, 61565, 61575, 61655, 61665, 61675, 61680, 61685, 61695, 61710, 61720, 61730, 61740, 61750, 61760, 61770, 61825, 61830, 61840, 61850, 61860, 61870, 61880, 61890, 61900, 61910, 61915, 61930, 61940, 61950, 61960, 61970, 61980, 61990, 62000, 62018, 62020, 62025, 62030, 62035, 62040, 62045, 62050 and 70010	8 metres

- (9) For the purposes of paragraph (8) “the level of the surface of the land” means—
- (a) in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
  - (b) in the case of a river, dock, canal, navigation, watercourse or other water area, the level of the surface of the ground nearest to it which is at all times above water level; or
  - (c) in any other case, ground surface level.

**Commencement Information**

**I6** Art. 28 in force at 15.12.2014, see [art. 1](#)

**Rights under or over streets**

**29.**—(1) LUL may enter upon and appropriate so much of the surface or subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the surface, subsoil or air-space for those purposes or any other purpose ancillary to its undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without LUL being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without LUL acquiring any part of that person’s interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing of cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

**Commencement Information**

**I7** Art. 29 in force at 15.12.2014, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The London Underground (Northern Line Extension) Order 2014, Cross Heading: Powers of acquisition.