
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 3

POWERS OF ACQUISITION AND POSSESSION OF LAND

Temporary possession of land

Temporary use of land for maintaining the authorised development

30.—(1) Subject to paragraph (5), at any time during the maintenance period relating to any of the authorised development, TfL may—

- (a) enter upon and take temporary possession of any land within the Order limits if possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and
- (c) 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) TfL's temporary possession of any part of the river Thames under paragraph (1) is limited to what is reasonably necessary for TfL safely to carry out any maintenance of the authorised development but TfL is not permitted by this article to take temporary possession of the entire width of the river Thames within the Order limits except in an emergency.

(3) At times and places where TfL has taken temporary possession of any part of the river Thames under this article, on the coming into effect of a notice to mariners in accordance with article 17(7) (work in the river Thames: conditions) the public right of navigation over that part of the river Thames will be suspended and unenforceable against the PLA.

(4) Any person who suffers loss as a result of the suspension of any private right of navigation under this article is entitled to be paid compensation for such loss by TfL, to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Paragraph (1) does not authorise TfL 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.

(6) Not less than 28 days before entering upon and taking temporary possession of land under this article TfL must serve notice of the intended entry on the owners and occupiers of the land and that notice must state the purpose for which TfL intends to take possession of the land including the particulars of the part of the authorised development for which possession is to be taken.

(7) TfL may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

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

(9) TfL must 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.

(10) Any dispute as to a person's entitlement to compensation under paragraph (9), or as to the amount of the compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 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 (9) and nothing in this article affects any liability to pay compensation to the PLA under paragraph 49 of Schedule 13 (protective provisions).

(12) Where TfL takes possession of land under this article, it is not required to acquire the land or any interest in it.

(13) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(14) In this article “the maintenance period”, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which—

- (a) that part of the authorised development is first opened for public use (where that part of the authorised development is intended to be used by the public); or
- (b) in respect of any other part of the authorised development, that part is first brought into operational use by TfL.

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Section 30.