
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 5

TEMPORARY POSSESSION AND USE OF LAND

Occupation and use for construction of works

- 2 (1) Before giving up possession of land of which possession has been taken under paragraph 1 above, the nominated undertaker shall, in accordance with a scheme agreed with the owners of the land and the relevant planning authority, put the land into such condition as the scheme may provide.
- (2) If, in relation to any land of which possession has been taken under paragraph 1 above, no scheme has been agreed for the purposes of this paragraph within 6 months of the date of completion of the work or works specified in relation to the land in column (1) of the table in paragraph 1(1) above, the scheme shall be such as may be determined by the [^{F1}Secretary of State] after consultation with the nominated undertaker, the owners of the land and the relevant planning authority.
- (3) Unless the owners of the land and the nominated undertaker otherwise agree, a scheme determined under sub-paragraph (2) above shall provide for land to be restored to its former condition.
- (4) Unless the nominated undertaker otherwise agrees, a scheme determined under sub-paragraph (2) above shall not provide for the nominated undertaker to replace any structure removed under paragraph 1 above other than a fence.
- (5) Where the [^{F2}Secretary of State asks] the relevant planning authority for assistance in connection with the carrying out by [^{F2}him of his] function under sub-paragraph (2) above, [^{F2}he] may require the nominated undertaker to reimburse to the planning authority any expenses which it reasonably incurs in meeting the request.
- (6) The duty under sub-paragraph (1) above in relation to any land shall be owed separately to the owners of the land and to the relevant planning authority.
- (7) Where a scheme for the purposes of this paragraph provides for any step to be taken by the nominated undertaker before a specified date and that step has not been taken before that date, the relevant planning authority may—
- (a) enter the land concerned and take that step, and
 - (b) require the nominated undertaker to reimburse to it any expenses which it reasonably incurs in acting under paragraph (a) above.
- (8) In this paragraph—
- ^{F3}
...
“relevant planning authority” means—
- (a) in relation to Greater London, the local planning authority, and
 - (b) in relation to Essex or Kent, the district planning authority; and

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“structure” includes any erection.

Textual Amendments

- F1** Words in [Sch. 5 para. 2\(2\)](#) substituted (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 25, [31\(a\)](#)
- F2** Words in [Sch. 5 para. 2\(5\)](#) substituted (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 25, [31\(b\)](#)
- F3** Definition in [Sch. 5 para. 2\(8\)](#) repealed (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 25, [31\(c\)](#)

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