***Changes to legislation:** There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 4. (See end of Document for details)*

SCHEDULES

SCHEDULE 5

TEMPORARY POSSESSION AND USE OF LAND

Occupation and use for maintenance of works

4 (1) At any time during the maintenance period relating to any of the scheduled works, the nominated undertaker may—

(a) enter upon and take possession of any land which is—

(i) within 20 metres from that work, and

(ii) within the limits of deviation for the scheduled works or the limits of land to be acquired or used,

if such possession is reasonably required for the purpose of or in connection with maintaining the work or any ancillary works connected with it, and

(b) construct on the land such temporary works (including the provision of means of access) and structures as may be reasonably so required.

(2) Sub-paragraph (1) above shall not authorise the nominated undertaker to take possession of—

(a) a house,

(b) any other structure which is for the time being occupied, or

(c) a garden belonging to a house.

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

(4) The nominated undertaker may only remain in possession of land under this paragraph for so long as may be reasonably required to carry out the maintenance works for which possession of the land was taken.

(5) Before giving up possession of land of which possession has been taken under this paragraph, the nominated undertaker shall restore the land to the reasonable satisfaction of the owners of the land.

(6) The nominated undertaker shall pay compensation to the owners and occupiers of land of which possession is taken under this paragraph for any loss which they may suffer by reason of the exercise in relation to the land of the powers conferred by this paragraph.

(7) Any dispute as to a person's entitlement to compensation under sub-paragraph (6) above, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the [M1]Land Compensation Act 1961.

(8) Nothing in this paragraph shall affect any liability to pay compensation under section 10(2) of the [M2]Compulsory Purchase Act 1965, as applied to the acquisition

of land under section 4(1) above, or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (6) above.

(9) In this paragraph—

(a) "the maintenance period", in relation to any work, means the period beginning with the date on which the work is completed and ending 5 years after the date on which it is brought into general use,

(b) "structure" includes any erection, and

(c) 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 any point on the surface below which the work is situated.

Modifications etc. (not altering text)

C1 Sch. 5 para. 4 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 para. 1-8**
Sch. 5 para. 4 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 paras. 1(e), **3(5)**

Marginal Citations

M1 1961 c. 33.

M2 1965 c. 56.

Changes to legislation:
There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 4.