



Crossrail Act 2008

2008 CHAPTER 18

Miscellaneous

47 Temporary possession agreements

- (1) This section applies where the Secretary of State and an owner of land subject to the power under section 6(1) enter into an agreement which provides for the owner's interest in the land to be subject to paragraph 1 of Schedule 5.
- (2) This Act shall have effect as if the table in paragraph 1(1) of Schedule 5 contained an entry in which—
 - (a) column (1) specified such works as the agreement may provide or, in the absence of such provision, any of the works authorised by this Act,
 - (b) columns (2) and (3) specified the land to which the agreement relates, and
 - (c) column (4) specified such purpose as the agreement may provide or, in the absence of such provision, any purpose connected with the works authorised by this Act or otherwise connected with Crossrail.
- (3) In their application by virtue of subsection (2), paragraphs 1(1)(b) and (3) to (7) and 2 of Schedule 5, so far as relating to the owner's interest in the land, shall have effect with such modifications as the agreement may provide.
- (4) In its application by virtue of subsection (2), paragraph 1 of Schedule 5 shall have effect as if for sub-paragraph (2) there were substituted—
 - “(2) Not less than 3 months 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—
 - (a) of its intention to do so, and
 - (b) stating that section 47 applies and explaining its effect.”
- (5) Subsection (4) shall not apply where the land which it is proposed to enter upon and take possession of is occupied by virtue of the interest which is the subject of the agreement.

Status: This is the original version (as it was originally enacted).

- (6) Where the power under paragraph 1(1)(a) of Schedule 5 is exercised in relation to land to which the agreement relates, this Act shall have effect in relation to interests in the land which are not the subject of an agreement by virtue of which this section applies as if—
- (a) section 6(5) and (6)(a), paragraphs 1(4) and (5), 2 and 5(3) and (4) of Schedule 5 and paragraph 3(3) of Schedule 6 had not been enacted,
 - (b) notice to treat had been given under section 5 of the Compulsory Purchase Act 1965 (c. 56), and notice of entry had been given under section 11(1) of that Act, in respect of the land on the day on which notice was given of intention to exercise the power under paragraph 1(1)(a) of Schedule 5 in relation to it, and
 - (c) possession of the land had been taken under section 11(1) of the Compulsory Purchase Act 1965 on the day on which the power under paragraph 1(1)(a) of Schedule 5 was exercised in relation to it.
- (7) The agreement may be amended or revoked by an agreement between the Secretary of State and the owner of the interest to which the agreement relates.
- (8) Where the agreement is amended under subsection (7), subsections (2), (3) and (5) to (7) shall have effect as if references to the agreement were references to the agreement as amended.
- (9) Where the agreement is revoked under subsection (7), this section shall cease to apply by virtue of the agreement.
- (10) The agreement, and any variation of it under subsection (7), shall be a local land charge.
- (11) An agreement which—
- (a) has been entered into before the day on which this Act is passed, and
 - (b) is in force immediately before that day,
- shall be treated for the purposes of this section as having been entered into on that day.
- (12) In this section “owner”, in relation to any land, includes a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which does not exceed 3 years.