
STATUTORY INSTRUMENTS

2001 No. 1451

The Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001

PART III

ACQUISITION OF LAND

Power to acquire land

8.—(1) The Secretary of State may acquire compulsorily so much of the land shown on the deposited plans within the Order limits as may be required for or in connection with the authorised works.

(2) Paragraph (1) above shall not authorise the compulsory acquisition of the land shown as the land numbered 2 in the London Borough of Newham on the deposited plans.

(3) Nothing in paragraph (2) above shall prejudice in any way the power of the Secretary of State to acquire the said land pursuant to section 4 of the principal Act.

Application of the Compulsory Purchase Act 1965 and the Compulsory Purchase (Vesting Declarations) Act 1981

9.—(1) Part I of the 1965 Act, so far as not inconsistent with this Order, shall apply to an acquisition of land under article 8 above as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land Act 1981(1) applies and as if this Order were a compulsory purchase order under that Act.

(2) In its application by virtue of paragraph (1) above, the 1965 Act shall have effect with the following modifications—

- (a) section 4 (time limit for exercise of powers of compulsory purchase) shall be omitted;
- (b) section 11(1) (power to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) shall have effect—
 - (i) in a case where the notice to treat relates only to the acquisition of subsoil or under-surface of land or an easement or other right over land, with the substitution for “fourteen days” of “one month's”, and
 - (ii) in any other case, with the substitution for “fourteen days” of “3 months”;
- (c) in Schedule 3 (alternative procedure for obtaining right of entry), paragraph 3(3) (requirement as to sureties in relation to bond for compensation) shall be omitted.

(3) The Compulsory Purchase (Vesting Declarations) Act 1981(2) shall apply as if this Order were a compulsory purchase order.

(1) 1981 c. 67.
(2) 1981 c. 66.

(4) In its application by virtue of paragraph (3) above, the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the following modifications—

(a) in section 3 (preliminary notices) for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below 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 the London Gazette.”;

(b) in that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)”, and after “given” there shall be inserted “and published”;

(c) in that section, subsections (5) and (6) shall be omitted and for those subsections there shall be substituted—

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

(a) he is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or

(b) he 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.”;

(d) in section 5 (earliest date for execution of declaration)—

(i) in subsection (1), after “publication” there shall be inserted “in the London Gazette”, and

(ii) subsection (2) shall be omitted;

(e) in section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted;

(f) references to the 1965 Act shall be construed as references to that Act as applied to the acquisition of land under article 8 above.

Acquisition of new rights

10.—(1) The power conferred by article 8 above shall include, in relation to any land to which the power relates, power to create and acquire such easements or other rights over land as may be required as mentioned in that provision instead of acquiring the land itself.

(2) Part I of the 1965 Act as applied to the acquisition of land under article 8 above, and the enactments relating to compensation for the compulsory purchase of land, shall apply to a compulsory acquisition by virtue of paragraph (1) above—

(a) with the modifications specified in Schedule 2 below, and

(b) with such other modifications as may be necessary.

(3) In relation to land to which this paragraph applies, article 8 above, so far as relating to acquisition by virtue of paragraph (1) above, shall be treated as also authorising acquisition by a statutory utility in any case where the Secretary of State gives his consent in writing.

(4) Paragraph (3) above applies to land within the Order limits which is or will be required for use in relocating any apparatus which it is expedient to divert or replace in consequence of the carrying out of the authorised works; and in that paragraph “statutory utility” means a licence holder within the meaning of Part I of the Electricity Act 1989(3), a public gas transporter within the meaning

of Part I of the Gas Act 1986⁽⁴⁾, a water undertaker within the meaning of the Water Industry Act 1991⁽⁵⁾, a sewerage undertaker within Part I of that Act and any local authority which is a relevant authority for the purposes of section 97 of that Act.

Compensation for injurious affection

11. Section 10(1) of the 1965 Act (compensation for injurious affection) shall have effect, in relation to land injuriously affected by the execution of works under this Order, with the substitution for “acquiring authority have” of “Union Railways has”.

Acquisition and use of subsoil

12.—(1) The power conferred by article 8 above shall be exercisable as well in relation to the subsoil or under-surface only as in relation to the land as a whole.

(2) Section 8(1) of the 1965 Act (limitation on right to require a person to sell part only of any house, building, manufactory or park or garden belonging to a house) shall not apply where the power conferred by article 8 above is exercised in relation to the subsoil or under-surface of land only.

(3) Union Railways may enter upon, take and use for the purposes of the authorised works so much of the subsoil of any highway within the Order limits as shall be required for the purpose of the construction or maintenance of those works, without being required to acquire that subsoil or any interest therein.

Time limit for powers of compulsory acquisition

13. After the end of the period of 5 years beginning with the day on which this Order is made—

- (a) no notice to treat shall be served under Part I of the 1965 Act, as applied to the acquisition of land under article 8 above;
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by article 9(3) above.

(4) 1986 c. 44.
(5) 1991 c. 56.