
STATUTORY INSTRUMENTS

2015 No. 2044

**The London Underground (Bank
Station Capacity Upgrade) Order 2015**

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

20.—(1) The Company may acquire compulsorily so much of the land shown on the land plan which is within the Order limits and is included in Schedule 7 (acquisition of land and of subsoil of land only and power to impose restrictive covenants) as may be required for the purposes of the authorised works and may use the land so acquired for those purposes or for any other purposes that are ancillary to its railway undertaking.

(2) This article is subject to article 23 (power to acquire subsoil only).

Application of Part 1 of the Compulsory Purchase Act 1965

21.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

22.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(2) applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied by paragraph (1), has effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) substitute—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

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

- (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 a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.

(5) In that section, for subsections (5) and (6) substitute—

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

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person 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.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2).

(7) In section 7 (constructive notice to treat) in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(8) References to the 1965 Act are to be construed as references to that Act as applied to the acquisition of land under article 20 (power to acquire land).

Power to acquire subsoil only

23.—(1) In the case of the land specified in the table in Part 2 (land of which only subsoil may be acquired) of Schedule 7 (acquisition of land and of subsoil of land only and power to impose restrictive covenants), the Company’s power under article 20(1) (power to acquire land) may, subject to paragraph (2), be exercised only in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres below the level of the surface.

(2) Paragraph (1) does not prevent the Company from exercising the powers conferred by article 24(1) (power to acquire new rights) in relation to so much of the subsoil or under-surface of the land between the land lying more than 9 metres below the level of the surface of the land and the surface of the land.

(3) Where the Company acquires any part of or rights in the subsoil of land under paragraph (1) it is not required to acquire an interest in any other part of the land.

(4) Paragraph (3) does not prevent article 29 (acquisition of part of certain properties) from applying where the Company acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Power to acquire new rights

24.—(1) The Company may acquire compulsorily such easements or other rights over any land that it is empowered to acquire under paragraph (1) of article 20 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) In the case of the land specified in the table in Part 3 (land over which restrictive covenants may be imposed) of Schedule 7 (acquisition of land and of subsoil of land only and power to impose restrictive covenants) the Company’s power under article 20(1) (power to acquire land) also includes

power to impose restrictive covenants over the land for the purposes specified in relation to the land in column (3) of the table.

(3) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and power to impose restrictive covenants) where the Company acquires a right over land under paragraph (1) the Company is not required to acquire a greater interest in that land.

(4) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

Rights under or over streets

25.—(1) The Company may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the subsoil or air-space for those purposes or any other purpose ancillary to its railway undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the Company being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the Company acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.