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STATUTORY INSTRUMENTS

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**1997 No. 264**

**The London Underground (East  
London Line Extension) Order 1997**

**PART III**

**ACQUISITION AND POSSESSION OF LAND**

*Powers of acquisition*

**Power to acquire land**

**17.**—(1) Subject to paragraph (3) below the Company may acquire compulsorily—

- (a) so much of the land shown on the deposited plans within the limits of deviation for the scheduled works (except in the case of the lands delineated in the deposited plans and thereon numbered 27c and 42c in the London borough of Tower Hamlets) as may be required for the purposes of the authorised works, and
- (b) so much of the land specified in columns (1) and (2) of Schedule 2 to this Order as may be required for the purpose specified in relation to that land in column (3) of that Schedule;

and may use any land so acquired for those purposes or (except in the case of the lands delineated in the deposited plans and thereon numbered 27c and 42c in the London borough of Tower Hamlets) for any other purposes connected with or ancillary to its railway undertaking.

- (a) (2) (a) The Company shall not under the powers of this Order, without the consent of Railtrack, acquire or enter upon, take or use, whether temporarily or permanently or acquire any new rights over the lands of Railtrack delineated on the deposited plans and thereon numbered:
  - (i) 1 in the London borough of Islington;
  - (ii) 283a, 284, 285, 286, 287 in the London borough of Hackney; and
  - (iii) 1a, 8a, 18a, 19a, 21a, 22, 24, 25, 26 and 28 to 38 inclusive in the London borough of Tower Hamlets.

- (b) This paragraph shall not prevent the Company from acquiring the interest of any person other than Railtrack in the land mentioned in paragraph (2)(a) above.

(3) The Company shall not under the powers of this Order acquire compulsorily any part of the lands delineated on the deposited plans and thereon numbered 64 and 65 in the London borough of Hackney.

**Application of Part I of Compulsory Purchase Act 1965**

**18.**—(1) Part I of the 1965 Act, insofar as not modified by or inconsistent with the provisions of this Order, shall apply 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 I of the 1965 Act, as so applied, shall have effect as if—
- (a) 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, and
  - (b) in section 11(1) (which confers power to enter on and to take possession of land subject to a notice to treat on giving not less than 14 days' notice) for the reference to 14 days' notice there were substituted—
    - (i) in a case where the notice to treat relates only to the acquisition of subsoil or the acquisition of an easement or other right over the land, a reference to notice of one month, or
    - (ii) in any other case, a reference to notice of 3 months.

### **Powers to acquire new rights**

**19.**—(1) Subject to paragraphs (2) and (3) of article 17 above, the Company may acquire compulsorily such easements or other rights over any land referred to in paragraph (1)(a) or (b) of that article 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) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 7 to this Order), where the Company acquires a right over land under paragraph (1) above the Company shall not be required to acquire a greater interest in it.

(3) Schedule 7 to this Order shall have 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 streets**

**20.**—(1) The Company may enter upon and appropriate so much of the subsoil of any street shown within the limits as may be required for the purposes of the authorised works and may use the subsoil for those purposes or any other purpose connected with or ancillary to its railway undertaking.

(2) The power under paragraph (1) above 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) The Company shall not be required to pay any compensation for the exercise of the powers conferred by paragraph (1) above where the street is a highway; but where the street is not a highway any owner or occupier of subsoil suffering loss by the entry upon and appropriation of such subsoil shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(4) Paragraphs (2) and (3) above shall not apply in relation to—

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

(5) Nothing in paragraph (3) above shall relieve the Company from liability to compensate under section 10(2) of the 1965 Act or under Part I of the 1973 Act as incorporated or applied by this Order, arising from the exercise of the powers conferred by paragraph (1) above.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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