
STATUTORY INSTRUMENTS

2002 No. 1064

The Heathrow Express Railway Extension Order 2002

PART III

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Cases where powers of acquisition limited to subsoil

13.—(1) This article applies to the lands numbered on the deposited plans 1 to 20, 22 to 25, 27 to 39 and 41.

(2) In the case of land to which this article applies, the undertaker's powers of compulsory acquisition under article 9 above shall be limited to the acquisition of, or rights in, so much of the subsoil of the land as may be required for the purposes of the authorised works.

(3) Where the undertaker acquires any part of, or rights in, the subsoil of land to which this article applies, it shall not be required to acquire a greater interest in the land or an interest in any other part of it.

(4) Paragraph (3) above shall not prevent section 8 of the 1965 Act or article 18 below from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or factory.

(5) References in this article to the subsoil of land are references to the subsoil lying more than 9 metres beneath the level of the surface of the land; and for this purpose "the level of the surface of the land" means—

- (a) in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
- (b) in the case of a river, watercourse or other water area, the level of the surface of the ground nearest to it which is at all times above water level; or
- (c) in any other case, ground surface level.