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STATUTORY INSTRUMENTS

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**2014 No. 3102**

The London Underground (Northern  
Line Extension) Order 2014

PART 3 **E+W+S**

ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

**Power to acquire land** **E+W+S**

**23.**—(1) LUL may acquire compulsorily so much of the land shown on the deposited plans within the limits of deviation and described in the book of reference as may be required for the purposes of the authorised works and may use any land so acquired for those purposes or for any other purposes that are ancillary to its undertaking.

(2) This article is subject to article 28 (subsoil or new rights only to be acquired under or in certain lands).

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**Commencement Information**

**I1** Art. 23 in force at 15.12.2014, see [art. 1](#)

**Application of Part 1 of the 1965 Act** **E+W+S**

**24.**—(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 made 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.

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**Commencement Information**

**I2** Art. 24 in force at 15.12.2014, see [art. 1](#)

## Application of the Compulsory Purchase (Vesting Declarations) Act 1981 **E+W+S**

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

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as 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—

- (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 construed as references to that Act as applied to the acquisition of land by article 24 (application of Part 1 of the 1965 Act).

### Commencement Information

**I3** Art. 25 in force at 15.12.2014, see [art. 1](#)

## Power to acquire new rights, etc. **E+W+S**

**26.**—(1) LUL may acquire compulsorily such easements or other rights over any land referred to in article 23 (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) LUL may impose restrictive covenants affecting any land referred to in article 23 as may be required for the purpose of protecting the authorised railway.

(3) Subject to section 8 of the 1965 Act (other provisions as to divided land) (as substituted by paragraph 5 of Schedule 3 (modification of compensation and compulsory purchase enactments for

creation of new rights)), where LUL acquires a right over land or the benefit of a restrictive covenant over land under paragraph (1) or (2) LUL is not required to acquire a greater interest in that land.

(4) Schedule 3 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 or article 28 (subsoil or new rights only to be acquired under or in certain lands) of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(5) Paragraph (6) applies to land to which this article applies and which is used for the relocation of any apparatus which it is expedient to divert or replace in consequence of the carrying out of the authorised works.

(6) In relation to the land to which this paragraph applies, the power to acquire or create easements or other rights under paragraph (1) is to be treated as also authorising the acquisition or creation by a statutory undertaker in any case where the Secretary of State gives consent in writing for that acquisition or creation.

(7) The reference in paragraph (6) to a “statutory undertaker” means a licence holder within the meaning of Part 1 of the Electricity Act 1989(3), a gas transporter within the meaning of Part 1 of the Gas Act 1986(4), a water undertaker within the meaning of the Water Industry Act 1991(5), a sewerage undertaker within the meaning of Part 1 of that Act, any local authority which is a relevant local authority for the purposes of section 97 (performance of sewerage undertaker’s functions by local authorities, etc.) of that Act and a public communications provider within the meaning of section 151 (interpretation of Chapter 1) of the Communications Act 2003(6).

#### Commencement Information

**I4** Art. 26 in force at 15.12.2014, see [art. 1](#)

#### Power to acquire subsoil only **E+W+S**

**27.**—(1) LUL may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in article 23 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

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

(3) Paragraph (2) does not prevent article 34 (acquisition of part of certain properties) from applying where LUL acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

#### Commencement Information

**I5** Art. 27 in force at 15.12.2014, see [art. 1](#)

#### Subsoil or new rights only to be acquired under or in certain lands **E+W+S**

**28.**—(1) This article applies to the land specified in Schedule 4 (acquisition of subsoil and new rights only).

(3) 1989 c. 29.

(4) 1986 c. 44.

(5) 1991 c. 56.

(6) 2003 c. 21.

(2) In the case of the land specified in Part 1 of Schedule 4, LUL's power of compulsory acquisition under article 23 (power to acquire land) is limited to the acquisition of, or the acquisition of such easements or other new rights or the imposition of restrictive covenants over, so much of the subsoil of the land as LUL may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(3) Where LUL acquires any part of, or acquires easements or other new rights or imposes restrictive covenants over the subsoil of land specified in Part 1 of Schedule 4, article 26(3) (power to acquire new rights, etc.) applies to the same extent as it applies to the acquisition of a new right under that article.

(4) In the case of the land specified in Part 2 of Schedule 4, LUL's power of compulsory acquisition under article 23 is limited to the acquisition of such easements or other new rights in the land or the imposition of such restrictive covenants over the land as it may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(5) Where LUL acquires easements or other new rights or imposes restrictive covenants over the land specified in Part 2 of Schedule 4, article 26(3) applies to the same extent as it applies to the acquisition of a new right under that article.

(6) In the case of the land specified in Part 3 of Schedule 4, LUL's power of compulsory acquisition under article 23 is limited at surface level and above to the acquisition of such easements or other new rights in the land or the imposition of such restrictive covenants over the land as it may require for the purposes of constructing, maintaining, protecting, renewing and using the authorised works.

(7) Where LUL acquires easements or other new rights or imposes restrictive covenants over the land specified in Part 3 of Schedule 4, article 26(3) applies to the same extent as it applies to the acquisition of a new right under that article.

(8) References in this article to the subsoil of land are references to the subsoil lying 9 metres or more beneath the level of the surface of the land except in the case of the land set out in the table below, where the references are to the subsoil lying at and below the depth specified in the table beneath the level of the surface of the land.

<i>Number of land shown on the deposited plans</i>	<i>Depth beneath the level of the surface of the land</i>
20185	2 metres
20030, 20040, 20060, 20075, 20100, 20102, 20111, 20115, 20126, 20150, 20170 and 20178	4 metres
70005	5 metres
60710, 60720, 60725, 60730, 60810, 60815, 60820, 60825, 60830, 60840, 60850, 60885, 60890, 60900, 60910, 60955, 60975, 60980, 60990, 60995, 61005, 61010, 61020, 61025, 61035, 61040, 61045, 61050, 61055, 61060, 61065, 61070, 61080, 61142, 61155, 61160, 61165, 61170, 61175, 61180, 61190 and 61200	6 metres
20050, 20240, 20285, 20325, 20335, 20340, 20345, 20365, 20370, 20375, 20380, 20385, 20405, 20410, 20425, 20430, 20450, 20465, 20471, 20475, 20480, 20500, 20505, 30006, 30010, 30015, 30020, 30025, 30045, 30046, 30050, 30055, 30060, 30080, 30085, 30105, 30120, 30125, 30135 and 30145	7 metres

<i>Number of land shown on the deposited plans</i>	<i>Depth beneath the level of the surface of the land</i>
61555, 61565, 61575, 61655, 61665, 61675, 61680, 61685, 61695, 61710, 61720, 61730, 61740, 61750, 61760, 61770, 61825, 61830, 61840, 61850, 61860, 61870, 61880, 61890, 61900, 61910, 61915, 61930, 61940, 61950, 61960, 61970, 61980, 61990, 62000, 62018, 62020, 62025, 62030, 62035, 62040, 62045, 62050 and 70010	8 metres

- (9) For the purposes of paragraph (8) “the level of the surface of the land” means—
- in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
  - in the case of a river, dock, canal, navigation, 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
  - in any other case, ground surface level.

#### Commencement Information

**I6** Art. 28 in force at 15.12.2014, see [art. 1](#)

#### Rights under or over streets **E+W+S**

**29.**—(1) LUL may enter upon and appropriate so much of the surface or 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 surface, subsoil or air-space for those purposes or any other purpose ancillary to its undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without LUL 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 LUL 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—

- any subway or underground building; or
- 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 of the 1991 Act (sharing of cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

#### Commencement Information

**I7** Art. 29 in force at 15.12.2014, see [art. 1](#)

*Temporary possession of land*

**Temporary use of land for construction of works** E+W+S

**30.**—(1) Subject to paragraph (2), LUL may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of—
  - (i) the land specified in columns (1) and (2) of Schedule 5 (land of which temporary possession may be taken) and shown on the deposited plans as within the limits of land to be used only temporarily, for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works (or any of those works) so specified in column (4) of that Schedule; and
  - (ii) any of the land within the limits of deviation in respect of which no notice of entry has been served under section 11 of the 1965 Act<sup>(7)</sup> (powers of entry) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (execution of declaration), except for the surface of the land listed in Schedule 6 (land at surface level of which temporary possession may not be taken);
- (b) remove any buildings, apparatus and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on the land; and
- (d) construct any works in relation to that land as are mentioned in Schedule 1 (scheduled works) or article 14 (works in the river), and any other works that are required.

(2) Regardless of paragraph (1), LUL may not under this article take exclusive possession of the river area but may only possess the river area subject to the supervision of the Harbour Master at such times and in such places and such manner as is necessary for LUL safely to carry out any of the authorised works under Schedule 1 (scheduled works) or article 14 (works in the river). At times and places where LUL is not actively carrying on such authorised works, the public right of navigation in the river area continues.

(3) Not less than 14 days before entering upon and taking temporary possession of land under this article LUL must serve notice of the intended entry on the owners and occupiers of the land.

(4) LUL may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in columns (1) and (2) of Schedule 5, after the end of the period of 2 years beginning with the date of completion of the works specified in relation to that land in column (4) of that Schedule; or
- (b) in the case of land within the limits of deviation, after the end of the period of 2 years beginning with the date of completion of the works for which temporary possession of the land was taken unless LUL has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(5) Subject to paragraph (6), before giving up possession of land of which temporary possession has been taken under this article, LUL must remove all temporary works above a level 1 metre below the surface of the ground and restore the land above that level to the reasonable satisfaction of the owners of the land; but LUL is not required to replace a building removed under this article or restore the land on which any permanent works have been constructed under paragraph (1)(d).

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(7) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

(6) Where under article 14(1)(h) or as part of Work No. 10 any piled fenders have been placed in the river area, LUL may not cut off those fenders but before giving up possession of land in which those fenders are placed LUL must remove them entirely or, if those fenders are within the scope of a licence granted under section 68 of the 1968 Act, may give up possession of that land with those fenders left wholly intact.

(7) LUL must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(9) Without affecting article 47 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(8) of the 1965 Act (further provision as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where LUL takes possession of land under this article, LUL is not required to acquire the land or any interest in it.

(11) Section 13(9) of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 24(1) (application of Part 1 of the 1965 Act).

#### Commencement Information

**I8** Art. 30 in force at 15.12.2014, see [art. 1](#)

### Temporary use of land for maintenance of works **E+W+S**

**31.**—(1) Subject to paragraphs (2) and (3), at any time during the maintenance period relating to any of the scheduled works, LUL may—

- (a) enter upon and take temporary possession of any land within the limits of deviation, except the land at surface level mentioned in Schedule 6 (land at surface level of which temporary possession may not be taken), if such possession is reasonably required for the purpose of maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Regardless of paragraph (1), LUL may not under this article take exclusive possession of the river area but may only possess the river area subject to the supervision of the Harbour Master at such times and in such places and such manner as is necessary for LUL safely to carry out any of the authorised works under Schedule 1 (scheduled works) or article 14 (works in the river). At times and places where LUL is not actively carrying on such authorised works, the public right of navigation in the river area continues.

(3) Paragraph (1) does not authorise LUL to take temporary possession of—

- (a) any house or garden belonging to a house; or

(8) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(9) Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part 3 of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(b) any building (other than a house) if it is for the time being occupied.

(4) Not less than 28 days before entering upon and taking temporary possession of land under this article LUL must serve notice of the intended entry on the owners and occupiers of the land.

(5) LUL may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of works for which possession of the land was taken.

(6) Before giving up possession of land of which temporary possession has been taken under this article, LUL must remove all temporary works above a level 1 metre below the surface of the ground and restore the land above that level to the reasonable satisfaction of the owners of the land.

(7) LUL must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(9) Without affecting article 47 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provision as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where LUL takes possession of land under this article, LUL is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 24(1) (application of Part 1 of the 1965 Act).

(12) In this article "the maintenance period", in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for use.

#### Commencement Information

**I9** Art. 31 in force at 15.12.2014, see [art. 1](#)

### Compensation

#### Disregard of certain interests and improvements **E+W+S**

**32.**—(1) In assessing the compensation payable to any person on the acquisition from that person of any land under this Order, the tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) "relevant land" means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.



**Commencement Information**

**I10** Art. 32 in force at 15.12.2014, see [art. 1](#)

**Set-off for enhancement in value of retained land** **E+W+S**

**33.**—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land which belongs to that person in the same capacity which will accrue to that person by reason of the construction and use of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any new rights in land (including the subsoil) under article 26 (power to acquire new rights, etc.), the tribunal must set off against the value of the right so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land which belongs to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

**Commencement Information**

**I11** Art. 33 in force at 15.12.2014, see [art. 1](#)

*Supplementary*

**Acquisition of part of certain properties** **E+W+S**

**34.**—(1) This article applies instead of section 8(1)(**10**)(other provisions as to divided land) of the 1965 Act (as applied by article 24 (application of Part 1 of the 1965 Act)) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on LUL a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner must sell only the land subject to the notice to treat is, unless LUL agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which LUL is authorised to acquire compulsorily under this Order.

(8) If LUL agrees to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which LUL is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, LUL may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or factory or of land consisting of a house with a park or garden, LUL must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

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**Commencement Information**

**I12** Art. 34 in force at 15.12.2014, see [art. 1](#)

## Extinction or suspension of private rights of way **E+W+S**

**35.**—(1) Subject to paragraph (6), all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by LUL, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by LUL under section 11(1)(**11**) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to paragraph (6), all private rights of way over land owned by LUL which, being within the limits of deviation, is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by LUL.

(3) Subject to paragraph (6), all private rights of way over land of which LUL takes temporary possession under this Order are suspended and unenforceable for as long as LUL remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act(**12**) (extinguishment of rights of statutory undertakers, etc.), or paragraph 4(3) or paragraph 44(2) of Schedule 8 (protective provisions) applies.

(6) Paragraphs (1), (2) and (3) have effect subject to—

- (a) any notice given by LUL before—
  - (i) the completion of the acquisition of;
  - (ii) LUL's appropriation of;
  - (iii) LUL's entry onto; or
  - (iv) LUL's taking temporary possession of,the land, that any or all of those paragraphs do not apply to any right of way specified in the notice; and
- (b) any agreement which makes reference to this article made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) between LUL and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is mentioned in sub-paragraph (6)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

### Commencement Information

**113** Art. 35 in force at 15.12.2014, see [art. 1](#)

(11) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

(12) Section 272 was amended by paragraphs 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

**Time limit for exercise of powers of acquisition** **E+W+S**

**36.**—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act, as applied to the acquisition of land by article 24 (application of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981(**13**), as applied by article 25 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 30 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1); but nothing in this paragraph prevents LUL from remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

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**Commencement Information**

**I14** Art. 36 in force at 15.12.2014, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The London Underground (Northern Line Extension) Order 2014, PART 3.