



# London Docklands Railway (Lewisham) Act 1993

## 1993 CHAPTER vii

### PART III

#### LANDS

#### 18 Power to acquire lands

- (1) The Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.
- (2) The Company may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as may be necessary for the purposes mentioned in subsection (1) above without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.
- (3)
  - (a) The Company shall not under the powers of this Act acquire any interest in the lands delineated on the deposited plans and thereon numbered 3 in the London borough of Greenwich.
  - (b) The power of the Company to acquire any interest in the lands delineated on the deposited plans and thereon numbered 1a and 2a in the London borough of Greenwich is limited to an interest in only so much of those lands as lies within the limits of deviation of Work No. 1.

#### 19 Power to acquire subsoil or new rights only in certain cases

- (1) In this Part of this Act “new rights” in relation to any land means easements or other rights in, under or over such land, which are not in existence at the passing of this Act.

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- (2) Notwithstanding anything in this Act, the Company may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of, or may acquire such new rights as they may require in, under or over—
- (a) any railway, river, dock, canal, navigation, watercourse, aqueduct, drain, dyke or sewer; or
  - (b) any of the lands described in column (2) of Schedule 7 to this Act for the purposes mentioned in column (3) of that Schedule;
- without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such entry, taking and using.
- (3) (a) If, in any case where the Company enter upon, take and use the subsoil and under-surface of, or acquire a new right in or under, any of the lands described in the said Schedule, they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.
- (b) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Company under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

## **20 Subsoil or new rights only to be acquired under certain lands**

- (1) In this section—

“the specified lands” means the lands referred to in Schedule 8 to this Act; and

“the level of the surface of the specified lands” means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building or, in the case of a river, dock, canal, navigation, watercourse or other water area, means the level of the surface of the adjoining ground which is at all times above water level.

- (2) (a) Notwithstanding the provisions of subsection (1) of section 18 (Power to acquire lands) of this Act, the Company shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) below.
- (b) The Company may, within the limits of lateral deviation prescribed in this Act in respect of the works, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purposes of constructing, maintaining, protecting, renewing and using the works and any necessary works and conveniences connected therewith, or compulsorily purchase such new rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such entry, taking and using.

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- (c) For the purposes of this section, the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 9 metres of the level of the surface of the specified lands.

## **21 Application of Lands Clauses Acts to compulsory purchase of new rights**

- (1) The Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase or rights under section 19 (Power to acquire subsoil or new rights only in certain cases) and section 20 (Subsoil or new rights only to be acquired under certain lands) of this Act as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land in, under or over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (2) Without prejudice to the generality of subsection (1) above in relation to the purchase of new rights in pursuance of section 19 (Power to acquire subsoil or new rights only in certain cases) and section 20 (Subsoil or new rights only to be acquired under certain lands) of this Act—
  - (a) the Lands Clauses Consolidation Act 1845 shall, subject to the provisions of subsection (3) below, have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976 and as if for the word “over”, wherever it occurs in paragraph 1 of that Schedule, there were substituted the words “in, under or over”;
  - (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.
- (3) Notwithstanding anything in this section, section 92 of the Lands Clauses Consolidation Act 1845 shall not apply to any compulsory acquisition or purchase by the Company under section 19 (Power to acquire subsoil or new rights only in certain cases) or section 20 (Subsoil or new rights only to be acquired under certain lands) of this Act.

## **22 Set-off for enhancement in value of retained land**

- (1) In this section “relevant land” means any land or any subsoil or under-surface of or new rights in, under or over any land acquired by the appropriate authority for the purposes of the works.
- (2) In assessing the compensation payable to any person on the acquisition by the appropriate authority from him of any relevant land, the Lands Tribunal shall—
  - (a) have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by the works; and
  - (b) set off against the value of the relevant land any increase in the value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of the works.
- (3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

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## 23 Temporary possession of land

- (1) This section applies to the land referred to in Schedule 9 to this Act (hereinafter in this section referred to as “the said land”).
- (2) The Company may, for the purpose of enabling them to construct the works, enter upon and take possession temporarily of the said land after giving the owners, lessees and occupiers thereof not less than one month’s previous notice in writing and may remove any structures thereon, and may construct temporary works and structures thereon for such purpose:  

Provided that the Company—

  - (a) shall not without the agreement of the owners, lessees and occupiers thereof remain in possession of the said land under the powers of this section after a period of 5 years from the date of entry thereon;
  - (b) shall not be empowered to purchase compulsorily or be required to purchase the said land (except such subsoil or new rights as they require under the provisions of section 19 (Power to acquire subsoil or new rights only in certain cases) of this Act).
- (3) Before relinquishing possession of the said land the Company shall remove all works and structures erected by them on the surface thereof and shall, subject to any agreement to the contrary with the respective owners, lessees or occupiers thereof, reinstate the said land so far as reasonably practicable to its condition immediately before entry thereon by the Company.

## 24 Ecclesiastical property

- (1) Where, under any of the provisions of this Act, a notice is required to be served on an owner of land and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (2) Where any ecclesiastical property is to be acquired compulsorily under the powers of this Act and the benefice in question is vacant, then the fee simple of such property shall for the purposes of the acquisition be treated as being vested in the Church Commissioners.
- (3) Any moneys agreed or awarded upon any acquisition under the powers of this Act of ecclesiastical property shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Church Commissioners and shall be applied by them as follows:—
  - (a) in defraying a fair proportion of the costs, charges and expenses incurred by them, the bishop of the diocese in which the property is situated, the Diocesan Board of Finance or an incumbent of an ecclesiastical benefice in opposing the Bill for this Act;
  - (b) in defraying any expenses incurred by any of the persons referred to in paragraph (a) above in relation to any such acquisition by the Company and not reimbursed by the Company;
  - (c) as to any remaining balance and as to both capital and income, for purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or measure authorising such a sale or the disposal of the proceeds of such a sale.
- (4) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice or being or forming part of a church or churchyard subject to the jurisdiction

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of a bishop of any diocese or the site of such a church or being or forming part of a burial ground subject to such jurisdiction or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976.

## **25 Period for compulsory purchase of lands and new rights**

The powers of the Company for the compulsory purchase of lands and new rights under this Act shall cease on 31st December 1996.

## **26 Incorporation of lands provisions**

(1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—

the Act of 1963—

section 21 (Power to enter for survey or valuation); and

section 28 (As to cellars under streets not referenced);

the Act of 1964—

section 12 (Acquisition of part only of certain properties); and

section 14 (Extinction of private rights of way);

the Act of 1965—

section 13 (Correction of errors in deposited plans and book of reference);

the Act of 1966—

section 13 (As to use of streets for permanent openings); and

section 14 (Power to expedite entry);

the Act of 1969—

section 14 (Disregard of recent improvements and interests).

(2) The provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”