

SCHEDULES

SCHEDULE 1

Articles 2(1) and 3

THE SCHEDULED WORKS

The works which Union Railways is authorised by article 3(1) above to construct and maintain are the following—

1. In the London Boroughs of Hackney and Newham—

A station for international and domestic services and the provision of vehicle parking and other facilities in connection therewith (in this Order referred to as “Stratford station”), together with the following further works ancillary thereto—

Work No. 1A—A railway 1,031 metres in length (comprising down lines serving domestic and international platforms) commencing by a junction with the railway comprised in Work No. 6 authorised by the principal Act at a point 175 metres east of Waterden Road, passing eastwards partly in tunnels and terminating by a junction with that Work at a point 55 metres west of Angel Lane;

Work No. 1B—A railway 1,031 metres in length (comprising up lines serving domestic and international platforms) commencing by a junction with the railway comprised in Work No. 6 authorised by the principal Act at a point 175 metres east of Waterden Road, passing eastwards partly in tunnels and terminating by a junction with that Work at a point 55 metres west of Angel Lane;

Work No. 1C—An access road commencing by a junction with Waterden Road at a point 160 metres north-east of its junction with Carpenters Road, passing eastwards over the River Lea, then along the southern side of Stratford station building, then northwards over the railways (Works Nos. 1A and 1B above and Work No. 6 authorised by the principal Act), then westwards on the northern side of the station building and having a junction with the existing access road to Temple Mills Lane, and then passing south-westwards over the railways (Works Nos. 1A and 1B above and Works Nos. 6 and 6A authorised by the principal Act), and terminating at a point 355 metres east of its commencement, including bridges over the River Lea, Works Nos. 1A and 1B and the said Works Nos. 6 and 6A;

Work No. 1D—A realignment and improvement of Waterden Road, commencing in that road 295 metres north-east of its junction with Carpenters Road and terminating in Waterden Road 220 metres south of its commencement;

Work No. 1E—A subway commencing at a point 160 metres north-west of Station Street, passing south-eastwards under railways serving the existing suburban station at Stratford, and terminating at a point 120 metres from its commencement.

2. In the London Boroughs of Camden and Islington—

Work No. 2A—A railway 688 metres in length commencing by a junction with the railway comprised in Work No. 1GG authorised by the principal Act, at a point 30 metres west of the Midland Main Line, and terminating by a junction with the railway comprised in Work No. 1AA authorised by that Act at a point 180 metres east of the existing York Way, including a viaduct over the Midland Main Line and bridges over works authorised by the principal Act, the Great Northern Suburban Line and the East Coast Main Line;

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Work No. 2B—A railway 491 metres in length commencing on a viaduct by a junction with the railway comprised in Work No. 1EE authorised by the principal Act, at a point 10 metres west of the Midland Main Line, and terminating by a junction with Work No. 3 at a point 20 metres north-east of the existing York Way, including a viaduct over the Midland Main Line and bridges over works authorised by the principal Act;

Work No. 3—A railway 614 metres in length commencing by a junction with the railway comprised in Work No. 1BB authorised by the principal Act, at a point 25 metres north of Regent’s Canal, and terminating by a junction with that Work at a point 125 metres east of the existing York Way, including bridges over works authorised by the principal Act.

SCHEDULE 2

Article 10(2)(a)

MODIFICATIONS RELATING TO ACQUISITION OF NEW RIGHTS

1. The modifications referred to in article 10(2)(a) above are as follows.
2. For section 7 of the 1965 Act there shall be substituted—

“7 Measure of compensation in case of purchase of new right.

7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is purchased is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

3. In section 8 of that Act (provisions as to divided land) for subsection (1) there shall be substituted—

“(1) This subsection applies where—

- (a) a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”) has been served on a person under section 5 of this Act,
- (b) in consequence of the service of the notice, a question of disputed compensation in respect of the purchase of the right would, apart from this section, fall to be determined by the Lands Tribunal, and
- (c) before the Lands Tribunal have determined that question, the person on whom the notice has been served satisfies them that the relevant conditions are met.

(1A) The relevant conditions are—

- (a) that he has an interest which he is able and willing to sell in the whole of the relevant land;
- (b) where the relevant land consists of a house, building or manufactory, that it cannot be made subject to the right without material detriment to it; and
- (c) where the relevant land consists of a park or garden belonging to a house, that it cannot be made subject to the right without seriously affecting the amenity or convenience of the house.

(1B) Where subsection (1) above applies—

- (a) the compulsory purchase order shall, in relation to the person on whom the notice to treat has been served—

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- (i) cease to authorise the purchase of the right to which the notice relates, and
- (ii) be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of a park or garden belonging to a house, the house, and

(b) the notice to treat shall be deemed to have been served in respect of that interest on such date as the Lands Tribunal direct.

(1C) Any question as to the extent of the land in which the compulsory purchase order is deemed to authorise the purchase of an interest by virtue of subsection (1B)(a)(ii) of this section shall be determined by the Lands Tribunal.

(1D) Where the Lands Tribunal determine that the person on whom a notice to treat has been served has satisfied them as mentioned in subsection (1)(c) of this section, the acquiring authority may withdraw the notice at any time within the period of six weeks beginning with the date of the determination.

(1E) Subsection (1D) of this section is without prejudice to any other power of the acquiring authority to withdraw the notice to treat.”

4. The following provisions of that Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land) namely—

- section 9(4) (failure of owners to convey),
- paragraph 10(3) of Schedule 1 (owners under incapacity),
- paragraph 2(3) of Schedule 2 (absent and untraced owners), and
- paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

5. Section 11 of that Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of that Act shall be modified correspondingly.

6. Section 20 of that Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the land but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

7. Section 22 of that Act (protection of acquiring authority's possession of land where interest accidentally omitted from purchase) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

8. References in that Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is, or is to be, exercisable.

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9. In the Land Compensation Act 1973(1), for section 44 there shall be substituted—

“Compensation for injurious affection.

44.—(1) Where a right over land is purchased from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable.

(2) In this section “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the Compulsory Purchase Act 1965 as applied by article 10(2) of the Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001.”.

10. For section 58 of that Act there shall be substituted—

“58 Determination of material detriment where right over part of house etc. proposed for compulsory acquisition.

58. In determining under section 8(1)(c) of the Compulsory Purchase Act 1965 as applied by article 10(2) of the Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001 whether—

- (a) a right over part of a house, building or manufactory can be taken without material detriment to the house, building or manufactory, or
- (b) a right over part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the Lands Tribunal shall take into account not only the effect of the right on the whole of the house, building or manufactory or of the house and the park or garden but also the use to be made of the rights proposed to be acquired and, in a case where the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”.

SCHEDULE 3

Article 15(1)

APPLICATION OF PROVISIONS OF PRINCIPAL ACT

Provisions of the principal Act applied

1. The following provisions of the principal Act shall apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2 below and, where any special assumption is mentioned in paragraph 3 below for any such provision, on the special assumptions for it so mentioned—

- (a) sections 7, 8, 14, 27 to 30, 37, 39, 40, 43, 50 and 54;
- (b) paragraphs 6 to 10 of Schedule 2;
- (c) paragraphs 5 to 14 of Schedule 3;
- (d) paragraphs 11 to 13 and 16 of Schedule 4;
- (e) paragraphs 4 and 5 of Schedule 5;

(1) 1973 c. 26.

- (f) Schedule 9 (except paragraphs 1(3)(c) and 8(2)(a) and (b));
- (g) Schedule 10;
- (h) Schedule 11;
- (i) Schedule 14 (except paragraphs 8(2)(a) and 12); and
- (j) Parts I to IV, VI and VII of Schedule 15.

The General Assumptions

2. The general assumptions are that references in the principal Act in whatever form (including references inserted or substituted by any provision of that Act in any other enactment)—

- (a) to that Act or to Part I or III of that Act were references to this Order;
- (b) to the nominated undertaker were references to Union Railways;
- (c) to the scheduled works (except in relation to references to the limits of deviation for the scheduled works), the deposited plans, the deposited sections and the book of reference were references to the scheduled works, the deposited plans, the deposited sections and the book of reference respectively as defined in article 2(1) above;
- (d) to the limits of deviation for the scheduled works or the limits of land to be acquired or used were references to the Order limits as defined in article 2(1) above;
- (e) to the rail link were references to the authorised works (as defined in article 2(1) above);
- (f) to particular provisions of that Act were a reference to those provisions as applied by paragraph 1 above.

The Special Assumptions

3.—(1) The special assumptions are the assumptions set out in sub-paragraphs (2) to (10) below, and have effect for the purposes mentioned in paragraph 1 above.

(2) In paragraph 5 of Schedule 3 to the principal Act, the reference to paragraph 1 or 4 of Schedule 2 to that Act shall be treated as a reference to article 3(3) or (4) above.

(3) In paragraph 6(3) of Schedule 3 to the principal Act, the reference to paragraph 1(1) of that Schedule shall be treated as a reference to that paragraph 1(1) as applied by article 4(1) above.

(4) In paragraph 14 of Schedule 3 to the principal Act, the reference to that Schedule shall be treated as a reference to this Order.

(5) In paragraphs 11 and 13 of Schedule 4, paragraph 4 of Schedule 5 and paragraph 2 of Part VI of Schedule 15 to the principal Act, references to section 4(1) or, as the case may be, section 4 of that Act shall be treated as references to article 8 above.

(6) Paragraph 8(1) of Schedule 10 to the principal Act shall be treated as including a reference to Work No. 1C authorised by this Order and the limits of deviation for that Work.

(7) In paragraph 9 of Schedule 10 to the principal Act, the reference to approved arrangements shall be construed as a reference to any arrangements approved under a condition of a deemed planning permission so far as relating to the routing of vehicles or hours of working.

(8) In paragraph 3(4) of Part I of Schedule 15 to the principal Act, the reference to deemed planning permission shall be treated as a reference to that expression as defined in article 2(1) above.

(9) In paragraph 4 of Part IV of Schedule 15 to the principal Act, references to paragraph 1 of Schedule 3 to that Act shall be treated as references to that paragraph 1 as applied by article 4(1) above.

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(10) In paragraph 1(2) of Part VII of Schedule 15 to the principal Act, the reference to paragraph 11 of Schedule 2 to that Act shall be treated as a reference to article 6 above.

Ancillary Matters

4.—(1) Regulations made under section 29(4) of the principal Act shall have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974⁽²⁾, as inserted by section 29(3) of the principal Act and applied by paragraph 1 above, as they have effect for appeals referred to arbitration under that subsection in relation to works carried out in exercise of the powers conferred by Part I of the principal Act.

(2) Rules made under section 43(2) of the principal Act shall apply to an arbitration under this Order as they apply to an arbitration under Part I of the principal Act.

(3) An order made under paragraph 11(2) of Schedule 10 to the principal Act shall apply to an application treated as granted under that provision as applied by paragraph 1 above as it applies to an application treated as granted under that paragraph 11(2) as enacted.

5. Paragraphs 6 to 9 of Schedule 2 and the provisions of Schedule 9 to the principal Act as applied by paragraph 1 above shall only have effect (so far as concerns entry on land) so as to allow entry on land within the Order limits.

6. Without prejudice to the generality of the general assumptions in paragraph 2 above, the references in section 7(1) of the principal Act to the coming into force of that Act shall be treated (so far as concerns the matters which are the subject of this Order) as references to the coming into force of this Order.

7. Paragraph 3 of Schedule 3 to the principal Act shall apply to the stopping up authorised by article 4 above, treating references to the nominated undertaker as a reference to Union Railways and references to Part I of the principal Act as including a reference to this Order.

(2) 1974 c. 40.