
STATUTORY INSTRUMENTS

2002 No. 1943

**The Channel Tunnel Rail Link
(Thames Tunnel Approach) Order 2002**

Temporary use of certain land

9.—(1) Union Railways may, in connection with the construction of Work No. 10, or any works which are necessary or expedient for the purposes of or in connection with that work—

- (a) enter upon and take possession of any of the land which is within the limit of land to be temporarily used,
- (b) remove any vegetation from that land, and
- (c) construct temporary works (including the provision of means of access) and structures on that land.

(2) Not less than 28 days before entering upon and taking possession of land under this article, Union Railways shall give notice to the owners and occupiers of the land of its intention to do so.

(3) Union Railways may not remain in possession of any land under this article after the end of the period of one month beginning with the date of completion of Work No. 10 unless the owners of the land agree otherwise.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Union Railways shall remove all temporary works and structures and restore the land in accordance with a scheme agreed with the local planning authority (or in default of agreement determined by the Secretary of State), and shall so restore it to the reasonable satisfaction of that authority and the owners of the land.

(5) All private rights of way over land of which Union Railways takes possession under this article shall be suspended and unenforceable for as long as it remains in lawful possession of the land.

(6) Union Railways shall pay compensation to the owners and occupiers of land of which possession is taken under paragraph (1) above for any loss which they may suffer by reason of the exercise in relation to the land of the powers conferred by that paragraph, and to any person who suffers loss by the suspension of a right under paragraph (5) above.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6) above, or as to the amount of compensation, shall be determined under and in accordance with Part I of the Land Compensation Act 1961.

(8) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act, as applied to the acquisition of land under article 3 above or section 4(1) of the 1996 Act, or under any other enactment, otherwise than for loss for which compensation is payable under paragraph (6) above.

(9) Nothing in this article shall prejudice the power of the Secretary of State under section 4 of the 1996 Act to acquire any land (or as the case may be, the subsoil of any land) which is within the limit of land to be temporarily used.

(10) In this article, "Work No. 10" means Work No. 10 authorised by the 1996 Act.