
STATUTORY INSTRUMENTS

2004 No. 757

**The Docklands Light Railway (Woolwich
Arsenal Extension) Order 2004**

PART 3

ACQUISITION AND POSSESSION OF LAND

Temporary possession of land

Temporary use of land for construction of works

30.—(1) DLRL 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 10 to this Order and shown on the deposited plans as within the limits of land to be used 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 Order limits, except the land at surface level mentioned in Schedule 11 to this Order, in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;

(b) remove any buildings and vegetation from that land; and

(c) construct temporary works (including the provision of means of access) and buildings on the land.

(2) DLRL may, in connection with the carrying out of the authorised works, temporarily use the dock and may give reasonable directions to RoDMA and to any officer, employee, servant or agent of RoDMA with regard to operation of the dock and the bridge for the purposes of DLRL's exercise of the powers of this paragraph, paragraph (1) and article 15.

(3) Subject to paragraph (4), not less than 14 days before exercising the powers of paragraphs (1) or (2) DLRL shall serve notice of the intended entry or use on the owners and occupiers of the land in the case of paragraph (1) and on RoDMA in the case of paragraph (2).

(4) DLRL shall, except in an emergency, give RoDMA 24 hours' notice of any direction proposed to be given by DLRL under paragraph (2) and RoDMA shall comply with such a direction unless it has a reasonable excuse not to do so.

(5) DLRL may not, without the agreement of the owners of the land in the case of paragraph (1), or RoDMA in the case of paragraph (2), remain in possession of any land of which temporary possession has been taken or use has been made under this article—

- (a) in the case of land specified in columns (1) and (2) of Schedule 10 to this Order, after the end of the period of 2 years beginning with the date of completion of the work or works specified in relation to that land in column (4) of that Schedule;
- (b) in the case of land within the Order limits, after the end of the period of 2 years beginning with the date of completion of the work or works for which temporary possession of the land was taken unless DLRL has, by 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; or
- (c) in the case of the dock, after DLRL has vacated the adjacent land specified in Schedule 10 to this Order and numbered 2 on the deposited plans in the London Borough of Newham, pursuant to sub-paragraph (a).
- (6) Before giving up possession of land of which temporary possession has been taken under paragraph (1), DLRL shall 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 DLRL shall not be required to replace a building removed under this article.
- (7) DLRL shall pay compensation to the owners and occupiers of land of which temporary possession is taken under paragraph (1) or (2), for any loss or damage arising from the exercise in relation to the land of the powers conferred by paragraphs (1), (2) and (6).
- (8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.
- (9) Without prejudice to article 54, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act 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 DLRL takes possession of or uses any land under this article, it shall not be required to acquire the land or any interest in it.
- (11) In this article and article 31 "building" includes structure or any other erection.
- (12) In this article—
- "the bridge" means the bascule bridge carrying the A117 Woolwich Manor Way over the eastern end of King George V Dock; and
- "the dock" means so much of King George V Dock, the lock and lock gates leading to and from the River Thames, the two jetties on either side of the riverward entrance to the lock and the associated roads, works, lands and buildings as are comprised in the lands numbered 1, 4, 5, 6, 7, 8, 9, 10 and 11 on the deposited plans in the London Borough of Newham.
- (13) This article is without prejudice to the provisions of article 15.
- (14) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 24(1).

Temporary use of land for maintenance of works

- 31.**—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, DLRL may—
- (a) enter upon and take temporary possession of any land within the limits of deviation and lying within 20 metres from that work, except the land at surface level mentioned in Schedule 11 to this Order, if such possession is reasonably required for the purpose of, or in connection with, 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 building on the land as may be reasonably necessary for that purpose.
- (2) Paragraph (1) shall not authorise DLRL to take temporary possession of—
 - (a) any house or garden belonging to a house; or
 - (b) any building (other than a house) if it is for the time being occupied.
- (3) Not less than 28 days before entering upon and taking temporary possession of land under this article DLRL shall serve notice of the intended entry on the owners and occupiers of the land.
- (4) DLRL may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.
- (5) Before giving up possession of land of which temporary possession has been taken under this article, DLRL shall 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.
- (6) DLRL shall 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.
- (7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.
- (8) Without prejudice to article 54, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act 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(6).
- (9) Where DLRL takes possession of land under this article, it shall not be required to acquire the land or any interest in it.
- (10) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 24(1).
- (11) In this article—
 - (a) “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 public use; and
 - (b) any reference to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of the point on the surface below which the work is situated.

Market traders

- 32.**—(1) Where DLRL considers that the carrying on by the holder of a public markets licence of the trading permitted by that licence would prevent or render less convenient the exercise of the powers of article 30 or 31, or the construction of the authorised works, DLRL may—
- (a) revoke that licence; or
 - (b) with the consent of the Council, vary its principal or subsidiary terms.
- (2) DLRL shall serve written notice of any such revocation or variation on the licence-holder in question not less than 28 days before the revocation or variation is to take effect.
- (3) Where DLRL revokes a public markets licence under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of any fee paid for the grant or renewal of the licence.
- (4) DLRL shall pay compensation to any person who suffers any loss or damage from the exercise of the powers conferred by paragraph (1).

(5) Any dispute as to a person's entitlement to compensation under paragraph (4), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.

(6) In this article—

“the Council” means the Council of the London Borough of Greenwich; and

“public markets licence” means a licence to trade at Beresford Market granted to any person by the Council pursuant to its rights under section 4 of the Woolwich Borough Council Act 1903⁽¹⁾ or any other enactment.

⁽¹⁾ 1903 c. clxxvii (3 Edw.7).