
STATUTORY INSTRUMENTS

2014 No. 3102

The London Underground (Northern
Line Extension) Order 2014

PART 3

ACQUISITION AND POSSESSION OF LAND

Temporary possession of land

Temporary use of land for maintenance of works

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
- (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.

Status: Point in time view as at 15/12/2014.

Changes to legislation: There are currently no known outstanding effects for the The London Underground (Northern Line Extension) Order 2014, Section 31. (See end of Document for details)

(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

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

Status:

Point in time view as at 15/12/2014.

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