
STATUTORY INSTRUMENTS

2014 No. 3102

The London Underground (Northern
Line Extension) Order 2014

PART 3

ACQUISITION AND POSSESSION OF LAND

Supplementary

Acquisition of part of certain properties

34.—(1) This article applies instead of section 8(1)(1)(other provisions as to divided land) of the 1965 Act (as applied by article 24 (application of Part 1 of the 1965 Act)) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on LUL a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner must sell only the land subject to the notice to treat is, unless LUL agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or

(b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,
the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

(a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but

(b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which LUL is authorised to acquire compulsorily under this Order.

(8) If LUL agrees to take the land subject to the counter-notice, or if the tribunal determine that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which LUL is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, LUL may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, LUL must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Commencement Information

II Art. 34 in force at 15.12.2014, see [art. 1](#)

Extinction or suspension of private rights of way

35.—(1) Subject to paragraph (6), all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

(a) as from the date of acquisition of the land by LUL, whether compulsorily or by agreement;
or

(b) on the date of entry on the land by LUL under section 11(1)(2) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

(2) Subject to paragraph (6), all private rights of way over land owned by LUL which, being within the limits of deviation, is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by LUL.

(3) Subject to paragraph (6), all private rights of way over land of which LUL takes temporary possession under this Order are suspended and unenforceable for as long as LUL remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act⁽³⁾ (extinguishment of rights of statutory undertakers, etc.), or paragraph 4(3) or paragraph 44(2) of Schedule 8 (protective provisions) applies.

(6) Paragraphs (1), (2) and (3) have effect subject to—

(a) any notice given by LUL before—

(i) the completion of the acquisition of;

(ii) LUL's appropriation of;

(iii) LUL's entry onto; or

(iv) LUL's taking temporary possession of,

the land, that any or all of those paragraphs do not apply to any right of way specified in the notice; and

(b) any agreement which makes reference to this article made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) between LUL and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is mentioned in sub-paragraph (6)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Commencement Information

I2 Art. 35 in force at 15.12.2014, see [art. 1](#)

Time limit for exercise of powers of acquisition

36.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

(a) no notice to treat is to be served under Part 1 of the 1965 Act, as applied to the acquisition of land by article 24 (application of Part 1 of the 1965 Act); and

(b) no declaration is to be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981⁽⁴⁾, as applied by article 25 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 30 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1); but nothing in this paragraph prevents LUL from

⁽³⁾ Section 272 was amended by paragraphs 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

⁽⁴⁾ 1981 c. 66.

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

remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

Commencement Information

I3 Art. 36 in force at 15.12.2014, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The London Underground (Northern Line Extension) Order 2014, Cross Heading: Supplementary.