
Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 5

TEMPORARY POSSESSION AND USE OF LAND

Occupation and use for construction of works

- 2 (1) Before giving up possession of land of which possession has been taken under paragraph 1, the nominated undertaker shall, in accordance with a scheme agreed with the owners of the land and the relevant planning authority, put the land into such condition as the scheme may provide.
- (2) If, in relation to any land of which possession has been taken under paragraph 1, no scheme has been agreed for the purposes of this paragraph within 6 months of the date of completion of the works specified in relation to the land in column (1) of the table in paragraph 1(1), the scheme shall be such as may be determined by the appropriate Ministers after consultation with the nominated undertaker, the owners of the land and the relevant planning authority.
- (3) Unless the owners of the land and the nominated undertaker otherwise agree, a scheme determined under sub-paragraph (2) shall provide for land to be restored to its former condition.
- (4) Unless the nominated undertaker otherwise agrees, a scheme determined under sub-paragraph (2) shall not provide for the nominated undertaker to replace any structure removed under paragraph 1, other than a fence.
- (5) Where the appropriate Ministers ask the relevant planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (2), they may require the nominated undertaker to reimburse to the planning authority any expenses which it reasonably incurs in meeting the request.
- (6) The duty under sub-paragraph (1) in relation to any land shall be owed separately to the owners of the land and to the relevant planning authority.
- (7) Where a scheme for the purposes of this paragraph provides for any step to be taken by the nominated undertaker before a specified date and that step has not been taken before that date, the relevant planning authority may—
- (a) enter the land concerned and take that step, and
 - (b) require the nominated undertaker to reimburse to it any expenses which it reasonably incurs in acting under paragraph (a).
- (8) In this paragraph—
- “appropriate Ministers” means the Secretary of State for [^{F1}Levelling Up, Housing and Communities] and the Secretary of State for Transport acting jointly;
 - “relevant planning authority” means—

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- (a) in relation to land in the area of a unitary authority, the local planning authority;
 - (b) in relation to land not in the area of a unitary authority, the district planning authority;
- “structure” includes any erection.

Textual Amendments

- F1** Words in Sch. 5 para. 2(8) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 19(c)** (with art. 12)

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