

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008.
Cross Heading: Acquisition of part only of certain properties. (See end of Document for details)

SCHEDULES

SCHEDULE 6

ACQUISITION OF LAND SHOWN WITHIN LIMITS ON DEPOSITED PLANS

PART 3

SUPPLEMENTARY PROVISIONS

Acquisition of part only of certain properties

- 14 (1) Where—
- (a) a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 6(1), is served in respect of land forming part only of a house, building or manufactory or part only of land consisting of a house with a park or garden, and
 - (b) a copy of this paragraph is served with the notice to treat,
- the following provisions of this paragraph, with paragraphs 15 and 16, shall apply instead of section 8(1) of the Compulsory Purchase Act 1965.
- (2) The person on whom the notice to treat is served (“the owner”) may within the period of 21 days beginning with the day on which the notice to treat is served on him, serve on the Secretary of State a counter-notice objecting to the sale of the part (“the land subject to the notice to treat”) and stating that he is willing and able to sell the whole (“the land subject to the counter-notice”).
 - (3) If no counter-notice is served under sub-paragraph (2), the owner shall be required to sell the land subject to the notice to treat.
 - (4) If a counter-notice is served under sub-paragraph (2) and the Secretary of State agrees to take the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
 - (5) If a counter-notice is served under sub-paragraph (2) and the Secretary of State does not agree to take the land subject to the counter-notice, the question as to what land the owner is to be required to sell shall be referred to the [^{F1}Upper Tribunal].

Textual Amendments

- F1** Words in Sch. 6 para. 14(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 290\(4\)](#) (with Sch. 5)

Modifications etc. (not altering text)

- C1** Sch. 6 para. 14(2) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

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C2 Sch. 6 para. 14(4)(5) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

- 15 (1) If, on a reference under paragraph 14(5), the [^{F2}Upper Tribunal determines] 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, and
 - (b) where the land subject to the notice to treat consists of or includes garden only land, without seriously affecting the amenity and convenience of the house to which the garden only land belongs,
- the owner shall be required to sell the land subject to the notice to treat.
- (2) If, on such a reference, the [^{F2}Upper Tribunal determines] that only part of the land subject to the notice to treat can be taken as mentioned in sub-paragraph (1), the notice to treat shall, subject to sub-paragraph (3), be deemed to be a notice to treat for that part.
- (3) Where the land subject to the notice to treat is not land which consists of or includes garden only land, sub-paragraph (2) shall only have effect to deem the notice to treat to be a notice to treat for land which does consist of or include garden only land if the [^{F2}Upper Tribunal determines] that that land can be taken without seriously affecting the amenity and convenience of the house to which the garden only land belongs.
- (4) If, on such a reference, the [^{F2}Upper Tribunal determines]—
- (a) that 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, but
 - (b) that the material detriment is confined to part of the remainder of that land,
- then, except where sub-paragraph (5) applies, the notice to treat shall be deemed to be a notice to treat in addition for the land to which the material detriment is confined.
- (5) If, in a case where the land subject to the notice to treat consists of or includes garden only land, the [^{F2}Upper Tribunal determines] on such a reference that none of the land subject to the notice to treat can be taken without seriously affecting the amenity or convenience of the house to which the garden only land belongs, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (6) If, on such a reference, the [^{F2}Upper Tribunal determines]—
- (a) that 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, and
 - (b) that the material detriment is not confined to part of the remainder of that land,
- the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (7) For the purposes of this paragraph, the land subject to the notice to treat consists of or includes garden only land if—
- (a) it consists of the whole or part of a park or garden belonging to a house, or
 - (b) it includes the whole or part of such a park or garden but does not include the house or any part of it.

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Textual Amendments

F2 Words in Sch. 6 para. 15(1)–(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 290(5)** (with Sch. 5)

- 16 (1) Where under paragraph 15 a notice to treat is deemed by virtue of a determination of the [^{F3}Upper Tribunal] to be a notice to treat for less land or more land than that specified in the notice, the Secretary of State may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice.
- (2) If the Secretary of State withdraws a notice to treat under sub-paragraph (1), he shall pay the person on whom the notice was served compensation for any loss or expense occasioned to that person by the giving and withdrawal of the notice, such compensation to be determined in case of dispute by the [^{F4}Upper Tribunal].
- (3) Where under paragraph 14 or 15 a person is required to sell part only of a house, building or manufactory or of land consisting of a house with a park or garden, the Secretary of State shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of the interest acquired.
- (4) A notice to treat shall have the effect which it is deemed to have under paragraph 14(4) or 15(4), (5) or (6) whether or not the additional land is, apart from that provision, land which the Secretary of State is authorised to acquire compulsorily under this Act.

Textual Amendments

- F3** Words in Sch. 6 para. 16(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 290(6)** (with Sch. 5)
- F4** Words in Sch. 6 para. 16(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 290(6)** (with Sch. 5)

Modifications etc. (not altering text)

- C3** Sch. 6 para. 16 modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, 3 (with art. 13)

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