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STATUTORY INSTRUMENTS

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**1995 No. 519**

**The Barking Barrage Order 1995**

**PART III**

**ACQUISITION AND POSSESSION OF LAND**

**Temporary use of land for maintenance of works**

**25.**—(1) The Borough may at any time—

- (a) enter upon and take temporary possession of any land within 5 metres from any of the scheduled works if such possession is reasonably required for the purpose of, or in connection with, maintaining the work or any ancillary works connected with it;
- (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) Paragraph (1) shall not authorise the Borough 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 the Borough shall serve notice of the intended entry on the owners and occupiers of the land.

(4) The Borough 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, the Borough shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The Borough 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 contained in this Order.

(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 Land Compensation Act 1961<sup>(1)</sup>.

(8) Without prejudice to article 26 nothing in this article shall affect any liability to pay compensation under section 10(2) of the Act of 1965 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 the Borough takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) In this article—

- (a) “building” includes structure or any other erection, and

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(1) 1961 c. 33.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (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.