SCHEDULES

SCHEDULE 2

ACQUISITION OF LAND

PART II

SUPPLEMENTARY

Period of notice

1 Section 11(1) of the [M1]Compulsory Purchase Act 1965 (power to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) shall have effect in its application by virtue of section 2 of this Act as if for the words "fourteen days" there were substituted the words "one month".

Marginal Citations
M1 1965 c. 56.

Acquisition of rights

2 (1) The Secretary of State may under section 2 of this Act acquire easements or other rights in or over land by creating them as well as acquiring easements or other rights already in existence.

(2) In relation to the compulsory acquisition of a right by virtue of sub-paragraph (1) above the provisions of the 1980 Act specified in sub-paragraph (3) below shall apply—

(a) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act; and

(b) as if any such acquisition were made by a compulsory purchase order made in the exercise of highway land acquisition powers.

(3) The provisions are—

(a) section 250(4) and (5) and Part II of Schedule 19 (adaptations of [M2]Compulsory Purchase Act 1965 and the enactments relating to compensation for compulsory purchase);

(b) section 251 (rights acquired to be binding on successive owners of the land); and

(c) sections 252 and 261(2) (power of land owners affected by rights acquisition to compel acquisition of whole interest).

Marginal Citations

M2 1965 c. 56.

Subsoil and under-surface

3 (1) The Secretary of State may under section 2 of this Act acquire so much of the subsoil and under-surface of land as is required as mentioned in that section without being required to acquire any interest in any other part of it.

(2) In the case of any land identified on the deposited plans by a number followed by the suffix "u", the Secretary of State shall not acquire compulsorily under section 2 of this Act any interest except the subsoil or under-surface or any easement or right in that subsoil or under-surface.

(3) For the purposes of sub-paragraph (2) above the subsoil and under-surface of any land shall not include any subsoil or under-surface which is 2 metres or less—

(a) where there is a building on the land, below the level of the surface of the ground adjoining the building;

(b) where there is a watercourse or other area of water, below the level of the surface of the adjoining ground which is at all times above water level; or

(c) in any other case, below the level of the surface of the ground.

Minerals

4 (1) Subject to sub-paragraph (2) below, Parts II and III of Schedule 2 to the [M3]Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of the working of mines and minerals underlying an authorised undertaking) shall have effect in relation to lands within the limits of land to be acquired as if those lands were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.

(2) In the application of that Schedule to lands which the Secretary of State is authorised to acquire under section 2 of this Act, paragraph 1(3) (meaning of underlying) shall have effect as if the prescribed distance in relation to any seam of minerals lying under land adjoining any of the works authorised by this Act were such a lateral distance from those works on every side as is equal at every point along those works to one-half of the depth of the seam below the natural surface of the ground at that point or 40 metres, whichever is the greater.

Marginal Citations

M3 1981 c. 67.

Private rights of way

5 (1) All private rights of way over any land which may be acquired compulsorily under section 2 of this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of section 11(1) of the [M4]Compulsory Purchase Act 1965, as applied by section 2 of this Act, whichever is the sooner.

(2) Any person who suffers loss by the extinguishment of any right under this paragraph shall be entitled to compensation to be determined, in case of dispute, under and in accordance with Part I of the [M5]Land Compensation Act 1961.

Marginal Citations

M4 1965 c. 56.

M5 1961 c. 33.

Provisions as to compensation

6 Section 4 of the [M6]Acquisition of Land Act 1981 (assessment of compensation where unnecessary work undertaken to obtain compensation) shall have effect in relation to a compulsory acquisition under section 2 of this Act as if it were a compulsory purchase to which that Act applies.

Marginal Citations

M6 1981 c. 67.

7 Where land is or rights in or over land are compulsorily acquired under section 2 of this Act, section 261 of the 1980 Act (benefit to be taken into account in assessing compensation) shall have effect as if the acquisition were one in relation to which that section has effect.

Changes to legislation:
There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Part II.