

SCHEDULES

SCHEDULE 2

ACQUISITION AND OCCUPATION OF LAND

PART II

ACQUISITION: SUPPLEMENTARY

Acquisition of rights

- 1 (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 Highways Act 1980 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 such an acquisition were made by a compulsory purchase order made in the exercise of highway land acquisition powers.
- (3) The provisions of the Highways Act 1980 referred to in sub-paragraph (2) above are—
- (a) section 250(4) and (5) and Part II of Schedule 19 (adaptations of 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) section 252 (power of landowners affected by rights acquisition to compel acquisition of whole interest).

Subsoil and under-surface

- 2 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 an interest in any other part of it.

Mines and minerals

- 3 (1) Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 (exception of mines and minerals from compulsory purchase and regulation of the working of mines and minerals underlying an authorised undertaking) shall apply in relation to land within

Status: This is the original version (as it was originally enacted).

the limits of land to be acquired as if it were comprised in a compulsory purchase order providing for the incorporation with the order of those Parts of that Schedule.

- (2) For the purposes of Part III of that Schedule as it applies by virtue of subparagraph (1) above, paragraph 1(3) of that Schedule (meaning of underlying) shall have effect as if the prescribed distance in relation to any mines or minerals lying under land near any of the works authorised by this Act were the greater of—
- (a) such 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 mines or minerals below the natural surface of the ground at that point, and
 - (b) 40 metres.

Private rights of way

- 4 (1) All private rights of way over 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 Compulsory Purchase Act 1965, as applied by section 2 of this Act, whichever is the sooner.
- (2) A person who suffers loss by the extinguishment of a 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 Land Compensation Act 1961.

Compensation

- 5 Section 4 of the 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.
- 6 Where land is or rights in or over land are compulsorily acquired under section 2 of this Act, section 261 of the Highways Act 1980 (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.