



# Channel Tunnel Rail Link Act 1996

## 1996 CHAPTER 61

### PART II

#### THE A2 AND M2 IMPROVEMENT WORKS

#### 44 Authorised works

- (1) The Secretary of State may construct the works specified in Part I of Schedule 12 to this Act (“the A2 and M2 improvement works”).
- (2) Part II of that Schedule shall have effect for conferring on the Secretary of State powers in relation to—
  - (a) the stopping up of highways and the extinguishment of rights of way over them,
  - (b) the stopping up of access to premises, and
  - (c) temporary interference with highways,for the purposes of or in connection with the construction of any of the A2 and M2 improvement works.
- (3) Part III of that Schedule shall have effect—
  - (a) for treating highways constructed by the Secretary of State in pursuance of that Schedule as highways of specified descriptions,
  - (b) for transferring such of those highways as do not become trunk roads to the Kent County Council,
  - (c) for treating operations and works in pursuance of that Schedule as authorised under specified provisions of the Highways Act 1980,
  - (d) for treating certain provisions of that Schedule as provisions of instruments made under specified provisions of that Act, and
  - (e) for enabling traffic on any highway constructed in pursuance of that Schedule to be subject to regulation under the Road Traffic Regulation Act 1984 as soon as it is open for public use.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Subject to subsection (5) below, the A2 and M2 improvement works shall be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.
- (5) In constructing any of the A2 and M2 improvement works, the Secretary of State may—
- (a) deviate laterally from the lines or situations shown on the deposited plans to any extent within the limits of deviation for that work so shown, and
  - (b) deviate vertically from the level shown for that work on the deposited sections—
    - (i) to any extent not exceeding 3 metres upwards, and
    - (ii) to any extent downwards.

#### **45 Acquisition of land**

- (1) The Secretary of State is authorised by this section to acquire compulsorily—
- (a) so much of the land shown on the deposited plans within the limits of deviation for the A2 and M2 improvement works as may be required for or in connection with the works authorised by this Part of this Act, and
  - (b) so much of the land so shown within the limits of land to be acquired or used as may be so required.
- (2) Without prejudice to the generality of subsection (1) above, the purposes for which land may be acquired under that subsection include, in the case of any land specified in columns (1) and (2) in Schedule 13 to this Act, the purpose specified in relation to that land in column (3) in that Schedule as one for which that land may be acquired or used.
- (3) Part I of the Compulsory Purchase Act 1965, so far as not inconsistent with this Part of this Act, shall apply to an acquisition of land under subsection (1) above as it applies to a compulsory purchase to which Schedule 1 of the Acquisition of Land Act 1981 applies and as if this Part of this Act were a compulsory purchase order under that Act.
- (4) In its application by virtue of subsection (3) above, the Compulsory Purchase Act 1965 shall have effect with the modifications set out in paragraph 3(2) to (4) of Schedule 4 to this Act.
- (5) The Compulsory Purchase (Vesting Declarations) Act 1981 shall apply as if this Part of this Act were a compulsory purchase order.
- (6) In its application by virtue of subsection (5) above, the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the modifications set out in paragraph 5(2) to (7) of Schedule 4 to this Act, except that, in paragraph 5(7) of that Schedule, for “section 4(1)” there shall be substituted “section 45(1)”.
- (7) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under subsection (1) above.

#### **46 Blight: compensation for pre-enactment acquisition**

- (1) This section applies to land which is blighted land under paragraph 16 of Schedule 13 to the Town and Country Planning Act 1990 (route of proposed special road “blighted land” for the purposes of Chapter II of Part VI of that Act on the Secretary of State notifying the local planning authority of his intention and identifying the proposed

route) by virtue of steps taken by the Secretary of State in relation to the A2 and M2 improvement works.

- (2) Where by virtue of section 154(2) of the Town and Country Planning Act 1990 (effect of valid blight notice) the Secretary of State is deemed—
  - (a) to have served a notice to treat in respect of an interest in land to which this section applies, and
  - (b) to have done so on a date prior to the day on which this Act is passed, this Act shall be deemed, for the purpose of applying section 6 of the Land Compensation Act 1961 (disregard of actual or prospective development in certain cases) to the assessment of compensation for the acquisition of the interest, to have been passed before the date on which the notice to treat is deemed to have been served.
- (3) In this section, “blight notice” means a notice served under section 150, 161 or 162 of the Town and Country Planning Act 1990.
- (4) This section shall be deemed to have come into force on 23rd November 1994.