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**Changes to legislation:** There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Cross Heading: Power to require acquisition where time limit extended. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

#### ACQUISITION OF LAND WITHIN LIMITS SHOWN ON DEPOSITED PLANS

##### PART III

##### SUPPLEMENTARY PROVISIONS

###### *Power to require acquisition where time limit extended*

- 14 (1) If the Secretary of State makes an order under section 47(2) above, the following provisions shall have effect as from the coming into operation of that order.
- (2) If an owner or lessee of any of the land in relation to which the order is made gives notice in writing to the Secretary of State that he desires his interest in such of that land as is specified in the notice to be acquired by the Secretary of State, the Secretary of State shall, within the period of 3 months immediately following receipt of the notice—
- (a) enter into an agreement with him for the acquisition of his interest in the whole or part of the land specified in the notice,
  - (b) exercise the relevant powers of compulsory acquisition in respect of his interest in the whole or part of the land specified in the notice, or
  - (c) serve on him notice in writing of the Secretary of State's intention not to proceed with the purchase of his interest in any of the land specified in the notice.
- (3) Where—
- (a) a person gives the Secretary of State notice under sub-paragraph (2) above, and
  - (b) the Secretary of State—
    - (i) fails to comply with the requirements of that sub-paragraph,
    - (ii) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph, or
    - (iii) serves on the owner notice in compliance with paragraph (c) of that sub-paragraph,
- the relevant powers of compulsory acquisition shall cease to be exercisable in respect of that person's interest in any of the land specified in the notice under sub-paragraph (2) above.
- (4) Where—
- (a) a person gives the Secretary of State notice under sub-paragraph (2) above, and

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- (b) the Secretary of State acquires in pursuance of paragraph (a) or (b) of that sub-paragraph that person’s interest in some, but not all, of the land specified in the notice,

the relevant powers of compulsory acquisition shall cease to be exercisable in respect of that person’s interest in the remainder of that land.

- (5) In this paragraph—

“lessee” means a person who holds an interest under a lease for a period of which not less than 21 years is unexpired at the date of the giving of any notice by that person under sub-paragraph (2) above,

“owner”, in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and

references to the relevant powers of compulsory acquisition are to—

- (a) the power to serve a notice to treat under Part I of the <sup>M1</sup>Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) above, and  
 (b) the power to execute a declaration under section 4 of the <sup>M2</sup>Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph 4 above.

**Marginal Citations**

**M1** 1965 c. 56.

**M2** 1981 c. 66.

- 15 (1) Paragraph 14 above shall not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than the relevant distance below the level of the surface of the land.
- (2) In sub-paragraph (1) above, the reference to the relevant distance is—
- (a) in the case of a work consisting of a pedestrian tunnel or ground anchor, 2 metres, and
- (b) in the case of any other work, 9 metres.
- (3) For the purposes of sub-paragraph (1) above, the level of the surface of the land shall be taken—
- (a) in the case of any land on which a building is erected, to be the level of the surface of the ground adjoining the building, and
- (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

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