
STATUTORY INSTRUMENTS

1995 No. 2383

TRANSPORT AND WORKS

TRANSPORT

The Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1995

Made - - - - *5th September 1995*

Coming into force - - *26th September 1995*

The Secretary of State for Transport, on application made to him in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1)(hereinafter referred to as “the Applications Rules”) made under section 6 of the Transport and Works Act 1992(2)(herein after referred to as “the Act”) by Greater Manchester Passenger Transport Executive for an Order under section 1 of the Act, being satisfied in accordance with section 13(1) of the Act that its requirements in relation to any objections have been satisfied, and having determined to give effect to the proposals comprised in such application with modifications, in exercise of the powers conferred on him by sections 1 and 5 of the Act, and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1995 and shall come into force on 26th September 1995.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the 1965 Act” means the Compulsory Purchase Act 1965(3);

“the 1990 Act” means the Greater Manchester (Light Rapid Transit System) Act 1990(4)

“authorised works” means the works authorised by the 1990 Act;

“the book of reference” means the book of reference described in rule 7(5) of the Applications Rules prepared in connection with the application for this Order;

(1) S.I.1992/2902.
(2) 1992 c. 42.
(3) 1965 c. 56.
(4) 1990 c.xv.

“the Executive” means Greater Manchester Passenger Transport Executive;

“the land plan” means the plan described in rule 7(3) of the Applications Rules prepared in connection with the application for this Order and references to land shown on that plan are references to the land so shown in pursuance of that rule;

“the tribunal” means the Lands Tribunal.

(2) Where the book of reference or the land plan was or were revised before this Order was made, any reference to it or them in this Order is to the latest such version submitted to the Secretary of State.

(3) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air-space over its surface.

Power to acquire land

3. The Executive may acquire compulsorily so much of the land shown on the land plan and described in the book of reference as may be required for the purposes of the authorised works and may use any land so acquired for those purposes or for any other purposes connected with or ancillary to its undertaking.

Application of Part I of Compulsory Purchase Act 1965

4.—(1) Part I of the 1965 Act, insofar as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(5) applies, and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part I of the 1965 Act, as so applied, shall have effect as if—

- (a) section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted, and
- (b) in section 11(1) (which confers power to enter on and to take possession of land subject to a notice to treat on giving not less than 14 days' notice) for the reference to 14 days' notice there were substituted—
 - (i) in a case where the notice to treat relates only to the acquisition of subsoil or the acquisition of an easement or other right over the land, a reference to notice of one month, or
 - (ii) in any other case, a reference to notice of 3 months.

Disregard of certain interests and improvements

5.—(1) In assessing the compensation (if any) payable to any person on the acquisition from him of any land under this Order, the tribunal shall not take into account—

- (a) any interest in land, or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) above “relevant land” means the land acquired from the person concerned or any other land with which he is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Extinction or suspension of private rights of way

6.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

(a) as from the acquisition of the land by the Executive, whether compulsorily or by agreement, or

(b) on the entry on the land by the Executive under section 11(1) of the 1965 Act, whichever is the sooner,

(2) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961⁽⁶⁾.

Time limit for exercise of powers of acquisition

7. The powers conferred by this Order to acquire any land shall be deemed to have been exercised if, before the end of the period of 5 years beginning on the day on which this Order comes into force, notice to treat has been served in respect of the land but, subject thereto, the powers shall cease to have effect at the end of that period.

Certification of plans etc.

8. The Executive shall, as soon as practicable after the making of this Order, submit copies of the book of reference and the land plan to the Secretary of State for certification that they are true copies of, respectively, the book of reference and plan referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Modification of 1990 Act

9. Section 17 (For protection of Manchester Ship Canal Company) of the 1990 Act and sections 43 (For protection of electricity, gas and water undertakers) and 44 (For protection of North West Water Authority) of the Greater Manchester (Light Rapid Transit System) Act 1988⁽⁷⁾ as applied by the 1990 Act shall have effect as if the powers of compulsory acquisition contained in this Order were contained in the 1990 Act and as if the reference to the deposited plans in subsection (3) of section 43 included a reference to the land plan prepared for the purposes of this Order.

⁽⁶⁾ 1961 c. 33.

⁽⁷⁾ 1988 c.i.

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

Signed by authority of the Secretary of State for Transport

5th September 1995

R. A. Allan
An Under Secretary,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the order)

This Order confers fresh powers of compulsory acquisition on Greater Manchester Passenger Transport Executive for the purposes of the Greater Manchester (Light Rapid Transit System) Act 1990. The land affected is subject to powers of compulsory acquisition under that Act which expired on 31st December 1993.

A copy of the land plan may be inspected at all reasonable hours at the offices of the Executive, 9 Portland Street, Piccadilly Gardens, Manchester M60 1HX and the Secretary of State for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR.