
STATUTORY INSTRUMENTS

2008 No. 1238

The Teesport (Land Acquisition) Order 2008

PART 2

ACQUISITION AND POSSESSION OF LAND

Temporary use of land for construction of works

6.—(1) The Company may, in connection with the construction of the Northern Gateway Container Terminal—

- (a) enter upon and take temporary possession of the land numbered 1a shown coloured pink and edged black on the land plans and described in the book of reference for the purpose of constructing Work No. 1 authorised by the Teesport Harbour Revision Order 2008;
- (b) remove any equipment and apparatus (including a conveyor) from that land; and
- (c) construct temporary works (including the provision of means of access) on that land.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article the Company shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The Company may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in paragraph (1)(a).

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(5) The Company shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Without prejudice to article 13 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the land referred to in paragraph (1) except that the Company shall not be precluded from acquiring new rights over any part of that land under article 5 (power to acquire new rights).

(9) Where the Company takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 4(1) (application of Part 1 of the Compulsory Purchase Act 1965).