
STATUTORY INSTRUMENTS

2019 No. 882

The Midland Metro (Birmingham City Centre Extension,
etc.) (Edgbaston Extension Land Acquisition) Order 2019

PART 2

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire new rights

7.—(1) The Executive may acquire compulsorily such easements or other rights over any land—

- (a) referred to in article 4 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision; or
- (b) within the Order limits, specified in column (1) of Part 2 of Schedule 1 (acquisition of rights only) as may be required for the purposes specified in relation to that land in column (2) of that Part.

(2) In paragraph (1), the power compulsorily to acquire easements or other rights includes the power to do so by creating them as well as by acquiring easements or other rights already in existence.

(3) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 2 (modification of compensation and compulsory purchase enactment for the creation of new rights)) where the Executive acquires a right over land under paragraph (1) the Executive is not required to acquire a greater interest in that land.

(4) In any case where the acquisition of new rights under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the Executive may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.

(5) Schedule 2 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this Order of a right over land by the creation of a new right.