



Greater Manchester (Light Rapid Transit System) Act 1991

1991 CHAPTER xvi

PART III

LANDS

12 Power to acquire lands

Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the authorised works or for any purpose connected with, or ancillary to their undertaking.

13 Power to acquire new rights

- (1) In this section references to the purchase by the Executive of new rights are references to the purchase of rights to be created in favour of the Executive.
- (2) The Executive may, for the purposes of constructing, maintaining, protecting, renewing and using any of the authorised works, purchase compulsorily such new rights as they may require over any of the lands that may be acquired compulsorily under this Act instead of acquiring those lands.
- (3) The Compulsory Purchase Act 1965 as applied by this Act shall have effect with the modifications necessary to make it apply to the compulsory purchase of rights under subsection (2) above as it applies to the compulsory purchase of land so that in appropriate contexts, references in that Act to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable according to the requirements of the context.
- (4) Without prejudice to the generality of subsection (3) above, in relation to the purchase of rights under subsection (2) above—

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- (a) Part I of the said Act of 1965 shall have effect with the modifications specified in the Schedule to this Act; and
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

14 Temporary possession or use of lands

(1) In this section—

“the designated lands” means so much of the lands numbered on the deposited plans 1 to 8 in the city of Salford as lies within the lines marked “Limit of land to be acquired” on the deposited plans;

“the specified works” means Work No. 1 authorised by the Greater Manchester (Light Rapid Transit System) Act 1990.

- (2) The Executive, in connection with the specified works and after giving to the owners and occupiers of the designated lands not less than 28 days' previous notice in writing may—
 - (a) enter upon and take possession temporarily of the designated lands;
 - (b) construct on the designated lands such temporary works and structures as may be required by the Executive;
 - (c) remove any structures and vegetation on the designated lands.
- (3) On the exercise of the powers conferred by subsection (2) above, the following provisions shall have effect:—
 - (a) The Executive shall not be empowered to purchase compulsorily or be required to purchase any part of the designated lands;
 - (b) The Executive shall not, without the agreement of the owners and occupiers of the designated lands, remain in possession of any part thereof after a period of one year from the completion of the specified works;
 - (c) Before giving up possession of the designated lands, the Executive shall, unless otherwise agreed by the owners and occupiers of the designated lands, remove all temporary works or structures and restore those lands to the reasonable satisfaction of the owners and occupiers thereof;
 - (d) The Executive shall compensate the owners and occupiers of the designated lands for any loss or damage which may result to them by reason of the exercise of the powers of subsection (2) above;
 - (e) Nothing in this section shall relieve the Executive from liability to compensate under section 10 (2) of the Compulsory Purchase Act 1965, as applied by this Act 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 (d) above;
 - (f) Any dispute as to a person's entitlement to compensation under paragraph (d) above or as to the amount thereof shall be determined by the tribunal.

15 Correction of errors in deposited plans and book of reference

- (1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Executive after giving not less than 10 days' notice to the

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owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

- (2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake the justices shall certify the fact accordingly, and shall in their certificate state in what respect any matter is misstated or wrongly described.
- (3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office, House of Commons and with the chief executive of the Council of the City of Manchester, the city administrator of the Council of the City of Salford, and the chief executive and town clerk of the Rochdale Borough Council and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Executive to take the land and execute the works in accordance with the certificate.
- (4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

16 Disregard of recent improvements and interests

In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal are 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, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

17 Extinction of private rights of way

- (1) All private rights of way over any land that may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement or on the entry on the land in pursuance of section 11 (1) of the Compulsory Purchase Act 1965, as applied by this Act whichever is the sooner.
- (2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute by the tribunal.

18 Period for compulsory purchase of lands

- (1) The powers of the Executive for the compulsory acquisition of the lands which they are authorised to acquire by this Part of this Act shall not be exercised after the end of the period of five years commencing on the date of the passing of this Act.
- (2) The powers of the Executive for the compulsory acquisition of the said lands shall for the purposes of this section be deemed to have been exercised when notice to treat has been served in respect of those lands.