



Tamar Bridge Act 1998

1998 CHAPTER iv

PART II

LANDS

4 Acquisition and occupation of lands

- (1) The Authorities may acquire compulsorily so much of the land shown on the deposited plan and described in the deposited book of reference as may be required for the purposes of, or in connection with, the works or obtaining access to the works or otherwise for the purposes of the Tamar Bridge Acts.
- (2) Part I of the Act of 1965 (except section 4 and paragraph 3(3) of Schedule 3), in so far as it is not inconsistent with the provisions of this Act, shall apply to the acquisition of land under this section—
 - (a) as it applies to a compulsory purchase to which Part II of the Act of 1981 applies; and
 - (b) as if this Act were a compulsory purchase order under that Act.
- (3) A notice to treat under Part I of the Act of 1965 for the purpose of acquiring land under this section shall not be served after the end of the period of five years beginning with the day on which this Act is passed.
- (4) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this section.

5 Acquisition of rights

- (1) The Authorities may under section 4 (Acquisition and occupation of lands) of this Act compulsorily acquire rights in, over or under land by creating them as well as by acquiring rights already in existence.
- (2) The Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights by virtue of subsection (1) above as it applies to the compulsory purchase of lands so that, in

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appropriate contexts, references in the Act of 1965 to land are read as referring, or as including references to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

- (3) Without prejudice to the generality of subsection (2) above, in relation to the purchase of new rights by virtue of subsection (1) above—
 - (a) Part I of the 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.
- (4) In this Part of this Act “new rights” in relation to any land means easements or other rights in, over or under such land, which are to be created in favour of the Authorities.

6 Purchase of part of certain properties

- (1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Act of 1965, as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of section 8(1) of that Act.
- (2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house, together with any park or garden belonging thereto, then if the person on whom the notice is served, within 21 days after the day on which the notice is served on him serves on the Authorities a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereafter in this section referred to as “the land subject to the counter-notice”), the question whether he shall be required to sell the part shall, unless the Authorities agree to take the land subject to the counter-notice, be referred to the tribunal.
- (3) If the said person does not serve such a counter-notice as aforesaid within 21 days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, in the case of part of land consisting of a house, together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.
- (4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.
- (5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Authorities are authorised to purchase compulsorily under this Act.

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- (6) If the Authorities agree to take the land subject to the counter-notice, or if the tribunal determine that—
- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
 - (b) the material detriment is not confined to a part of the land subject to the counter-notice; the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice, whether or not the whole of the land is land which the Authorities are authorised to purchase compulsorily under this Act.
- (7) In any case where, by virtue of a determination by the tribunal under subsection (4), (5) or (6) above, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Authorities may, within six weeks after the tribunal make their determination withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.
- (8) Where a person is required under this section to sell part only of a house, building or factory, or of land consisting of a house, together with any park or garden belonging thereto, the Authorities shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

7 Mines and minerals

- (1) Parts II and III of Schedule 2 to the Act of 1981 (exemption of mines and minerals from compulsory purchase and regulation of the working of mines and minerals underlying an authorised undertaking) shall apply in relation to land which may be compulsorily acquired under section 4 (Acquisition and occupation of lands) of this Act as if it were comprised in a compulsory purchase order providing for the incorporation with the order of those Parts of that Schedule.
- (2) For the purposes of Part III of that Schedule as it applies by virtue of subsection (1) above, paragraph 1(3) of that Schedule (meaning of underlying) shall have effect as if the prescribed distance in relation to any mines or minerals lying under land near any of the works were the greater of—
- (a) such lateral distance from those works on every side as is equal at every point along those works to one-half of the depth of the mines or minerals below the natural surface of the ground at that point; and
 - (b) 40 metres.

8 Private rights of way

- (1) All private rights of way over land which may be acquired compulsorily under section 4 (Acquisition and occupation of lands) of 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 Act of 1965, as applied by the said section 4, whichever is the sooner.

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- (2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to compensation to be determined, in default of agreement, under and in accordance with the Act of 1961.

9 Disregard of recent improvements and interests

Section 4 of the Act of 1981 (assessment of compensation where unnecessary work undertaken to obtain compensation) shall have effect in relation to a compulsory acquisition under this Act as if it were a compulsory purchase to which that Act applies.

10 Set-off for enhancement in value of retained land

- (1) In this section “relevant land” means any land or new rights over any land acquired by the Authorities.
- (2) In assessing the compensation payable to any person on the acquisition by the Authorities from him of any relevant land, the tribunal shall—
- (a) have regard to the extent to which the remainder of the land or the remaining contiguous or adjacent lands belonging to the same person may be benefited by any of the works; and
 - (b) set off against the value of the relevant land any increase in value of the remainder of the land or the remaining contiguous or adjacent lands belonging to the same person which will accrue to him by reason of the construction of any of the works.
- (3) The Act of 1961 shall have effect subject to the provisions of this section.

11 Power to survey land

Section 167 of the Local Government, Planning and Land Act 1980 (power to survey land proposed to be acquired compulsorily by an urban development corporation) shall apply in relation to any land which the Authorities are considering acquiring under section 4 (Acquisition and occupation of lands) of this Act as if they were—

- (a) an urban development corporation within the meaning of that Act; and
- (b) proposing to acquire the land compulsorily under that Act.

12 Correction of deposited plan and book of reference

- (1) If the deposited plan 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 Authorities, after giving not less than 10 days' notice to the owner 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 of the plan or book of reference.
- (2) If on such an application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, the justices shall certify accordingly and shall in their certificate state in what respect a matter is misstated or wrongly described.
- (3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy of it in the Private Bill Office of the House of Commons and at the

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principal offices of the county council and the city council; and the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Authorities to proceed under this Act as if the deposited plan or the deposited book of reference had always been in the corrected form.

- (4) Where a copy of the certificate is deposited under subsection (3) above, it shall be kept with the documents to which it relates.

13 Grant of new rights by person under disability

- (1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, subject to the provisions of the Act of 1965, grant the Authorities rights in, over or under the lands required for the purposes of this Act.
- (2) The provisions of the Act of 1965 with respect to lands and rent-charges, so far as they are applicable, shall extend and apply to any such grant and to any such new right as aforesaid.

14 Agreements with owners of property

- (1) The Authorities may enter into and carry into effect agreements with any person being the owner of, or interested in, any land adjoining any portion of any of the works, or of the land which may be acquired by the Authorities under this Act, with respect to the sale by the Authorities to him (subject to such reservations, restrictions or other provisions as to the Authorities seem fit) of any land not required for the works.
- (2) The Authorities may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Authorities for the purposes of this Act or any new right so required.
- (3) Subject to the provisions of this Act, and in connection with the powers granted to them thereby, the Authorities may enter into agreements with any owners of property or other persons interested in lands, houses or property with respect to the purchase by the Authorities of any such lands, houses or property or any rights in, over or affecting the same for such consideration, being a sum of money or a grant of land or partly money and partly land, as may be agreed upon between the Authorities and such owners or other persons.

15 Power to reinstate owners or occupiers of property

- (1) The Authorities may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.
- (2) Any such agreement may provide for the exchange of land; and for that purpose the Authorities may pay or receive money for equality of exchange.

16 Application of section 20 of Act of 1957

Section 20 (Acquisition appropriation and disposal of land) of the Act of 1957 shall apply and have effect for the purposes of this Act as if the said section was in terms re-enacted in this Act.