



Killingholme Generating Stations (Ancillary Powers) Act 1991

1991 CHAPTER viii

PART III

LANDS

19 Power to acquire land

- (1) Subject to the provisions of this Act the appropriate company 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 National Power works or the PowerGen works, as the case may be, or for the purposes of obtaining access thereto, obtaining materials for the construction thereof, or depositing spoil or other material excavated during the construction thereof or otherwise for the purposes of this Act or other purposes connected therewith.

(2) (a)

The powers of the appropriate company for the compulsory acquisition of lands under this section shall not be exercised after 31st December 1993.

- (b) The powers to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if notice to treat has been served in respect of that land.

20 Purchase of rights

- (1) In this section references to the purchase by the appropriate company of new rights are references to the purchase of rights to be created in favour of the appropriate company.
- (2) The appropriate company may for the purposes of constructing and using, maintaining, renewing, removing or altering the National Power works or the PowerGen works, as the case may be, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works, purchase

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compulsorily such new rights as they may require over any of the lands which may be acquired under section 19 (Power to acquire land) of this Act as well as rights already in existence.

- (3) References in this section to rights over land include references to the right to do, or to place and maintain, anything in, on or under land or in the airspace above its surface.
- (4) 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 rights under subsection (2) above as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act of 1965 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 particular context.
- (5) Without prejudice to the generality of subsection (4) above in relation to the purchase of rights in pursuance of subsection (2) above the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

21 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 appropriate company after giving not less than 10 days' notice to the 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 proper officer of the Humberside County Council, the proper officer of the Glanford Borough Council and the proper officer of the North Killingholme Parish 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 appropriate company 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.

22 Disregard of recent improvements and interests

In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land or new rights 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 the erecting, executing or making of the building, works, improvement or alteration, directly or indirectly concerned 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 (as the case may be) was

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not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

23 Extinction of private rights of way

- (1) All private rights of way over any land which 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 Act of 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 appropriate company compensation, to be determined in case of dispute by the tribunal.

24 Grant of easements by persons under disability

- (1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the appropriate company any easement or right required for the purposes of this Act over or in the lands, not being an easement or right of water in which some person other than the grantor has an interest.
- (2) The provisions of the Act of 1965 with respect to lands and rentcharges, so far as they are applicable, shall apply to any such grant and to any such easement or right as aforesaid.