



Cattewater Reclamation Act 1992

1992 CHAPTER xiv

PART II

LANDS

5 Power to acquire new rights only

- (1) The Company may, instead of acquiring any land under section 4 (Power to acquire lands) of this Act, acquire compulsorily such new rights as they require in, over or under the land.
- (2) In relation to the compulsory acquisition of a right by virtue of subsection (1) above, section 251 of the Highways Act 1980 (rights acquired to be binding on successive owners of the land) shall apply—
 - (a) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act;
 - (b) as if any such acquisition were made by a compulsory purchase order made in exercise of highway land acquisition powers;
 - (c) as if references in that section to a highway authority were references to the Company; and
 - (d) as if references in subsection (4) of that section to another highway authority were references to a local authority.
- (3) Any new right acquired under this section, whether compulsorily or by agreement, shall be a local land charge.
- (4) (a) The Company may give notice to treat in respect of any new right describing the nature thereof; and the Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory acquisition of new rights under subsection (1) above as it applies to the compulsory acquisition of land so that, in appropriate contexts, references in that Act to land are read as referring, or as including references, to the new rights or to land in, over or under which the new rights are or are to be exercisable according to the requirements of the particular context.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) Without prejudice to the generality of paragraph (a) above, in relation to the purchase of the new rights in pursuance of subsection (1) above—
 - (i) Part I of the Act of 1965 shall have effect with the modifications specified in the Schedule to this Act;
 - (ii) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.
- (5) The Company may, with or without consideration, release either wholly or partly any new right acquired under this section.
- (6) Where the Company have acquired only a new right in, over or under any land under this section they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land.