



# Aire and Calder Navigation Act 1992

## 1992 CHAPTER iv

### PART III

#### LAND

#### **20 Purchase of land**

- (1) The Corporation may purchase compulsorily and use such of the land delineated on the deposited plans and described in the deposited book of reference as they require for the purposes of—
  - (a) the works;
  - (b) obtaining materials for the construction of the works, or depositing spoil or other material excavated during the construction thereof;
  - (c) obtaining access to the works;or otherwise for the purposes of this Act or other purposes connected therewith.
- (2) The Corporation may enter upon, use and appropriate so much of the subsoil and undersurface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of subsection (1) above without being required to purchase the same or any easement or other right therein or thereunder or to make any payment therefor.

#### **21 Purchase of rights over land**

- (1) In this section references to the purchase by the Corporation of new rights are references to the purchase of rights to be created in favour of the Corporation and such rights may consist of or include rights restrictive of the user of land.
- (2) The Corporation may, for any of the purposes mentioned in section 20 (Purchase of land) of this Act, purchase compulsorily such new rights as they require over any of the land delineated on the deposited plans and described in the deposited book of reference instead of purchasing that land under that section.

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- (3) 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 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 new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.
- (4) Without prejudice to the generality of subsection (3) above, in relation to the purchase of new rights under subsection (2) above—
  - (a) Part I of the Act of 1965 shall have effect with the modifications specified in Schedule 3 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.

## **22 Extinction or suspension of private rights of way**

- (1) All private rights of way over any land which may be purchased compulsorily under this Act shall be extinguished on the purchase of the land whether compulsorily or by agreement or on the entry on the land under section 11 (1) of the Act of 1965, as applied by this Act, whichever is sooner.
- (2) All private rights of way over any land of which the Corporation may take temporary possession under this Act shall be suspended and unenforceable against the Corporation for so long as the Corporation shall remain in lawful possession thereof.
- (3) Any person who suffers loss by the extinguishment or suspension of any right under this section shall be entitled to be paid by the Corporation compensation to be determined by the tribunal.

## **23 Power to use bed and banks of rivers, etc**

- (1) The Corporation may for the purposes of the works enter upon and use so much of the bed, shore, bank and embankment of any river, canal, stream, brook and watercourse as is within the limits of deviation or within the lines marked on the deposited plans “Limit of land to be acquired” as may be required for those purposes and they may also, for the purposes of executing and placing temporary works and conveniences in connection with the works, occupy and use temporarily so much of such bed, shore, bank and embankment within the said limits or lines as may be required for the purposes of the works.
- (2) Before exercising the powers of this section in relation to any waterway, river, stream, brook or watercourse other than the river the Corporation shall give not less than 14 days' written notice to and consult with the regional flood defence committee.

## **24 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 Corporation 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.

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- (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 of the House of Commons, and with the proper officer or chairman of a local authority with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited; 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 Corporation to take the land or such new rights thereover as they may require 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.

## **25 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 and, in case of agricultural land, instead of sections 53 to 56 of the Land Compensation Act 1973.
- (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, or part only of an agricultural unit, 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 Corporation 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 Corporation 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

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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 Corporation are authorised to purchase compulsorily under this Act.

- (6) If the Corporation 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 Corporation 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 Corporation 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, or of an agricultural unit, the Corporation 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.
- (9) In this section “agricultural land” and “agricultural unit” have the meanings given by section 109 of the Agriculture Act 1947.

## 26 Disregard of recent improvements and interests

In determining a question with respect to compensation claimed in consequence of the compulsory purchase of land under this Act, the tribunal shall not take into account—

- (a) any interest in land; or
- (b) 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 purchased or on any other land with which the claimant is, or was at the time of the 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.

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## **27 Set-off for enhancement in value of retained land**

- (1) In assessing the compensation payable to any person on the compulsory purchase by the Corporation from him of any land under this Act, the tribunal shall—
  - (a) have regard to the extent to which the remainder of the land or the remaining contiguous lands belonging to the same person may be benefited by any of the works or by the restoration of the river; and
  - (b) set off against the value of the land acquired any increase in value of the remainder of the land or the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of any of the works or of the restoration of the river.
- (2) The Act of 1961 shall have effect subject to the provisions of this section.

## **28 Grant of rights 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 Corporation any right required for the purposes of this Act in, under or over the lands:

Provided that nothing in this section shall be construed as empowering persons to grant any right of water in which any other person has an interest, unless that other person concurs in the grant.
- (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 right as aforesaid.

## **29 Agreements with adjoining owners**

- (1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land adjoining any portion of the works, or of land which may be acquired by the Corporation under this Act, with respect to the sale by the Corporation to him (subject to such reservations, restrictions or other provisions as to the Corporation seem fit) of any land not required for the works.
- (2) The Corporation 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 Corporation for the purposes of this Act or any easement or right so required.

## **30 Power to reinstate owners or occupiers of property**

- (1) The Corporation 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 by the Corporation with respect to his reinstatement.
- (2) Any such agreement may provide for the exchange of land; and for that purpose the Corporation may pay or receive money for equality of exchange.

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### **31 Period for compulsory purchase of land and rights**

- (1) The powers of the Corporation for the compulsory purchase of land and rights over land under this Act shall not be exercised after the expiration of five years from the passing of this Act.
- (2) The powers of the Corporation for the compulsory purchase of land and rights over land shall, for the purposes of this section, be deemed to have been exercised if notice to treat has been served in respect of those lands and rights.