



Midland Metro (No. 2) Act 1992

1992 CHAPTER viii

PART III

LANDS

13 Power to acquire lands

- (1) Subject to the provisions of this Act the Executive may enter upon, take and use—
- (a) so much of the land 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;
 - (b) so much of the lands in the Metropolitan Borough of Walsall delineated on the deposited plans and thereon numbered 1 to 5 and described in the deposited book of reference, being lands within the limits of deviation for the Works Nos. 6 and 6A authorised by the No. 1 Act of 1992, as they may require for the purposes of the said Work No. 6 or for any purpose connected with, or ancillary to, their undertaking;
 - (c) so much of the land in the City of Birmingham delineated on the deposited plans and thereon numbered 18 and 19 and described in the deposited book of reference, being land within the limits of deviation for Works Nos. 21 and 21A authorised by the No. 1 Act of 1992, as they may require for the purposes of either of those works or for any purpose connected with, or ancillary to, their undertaking; and
 - (d) so much of any land specified in columns (2) and (3) of Schedule 6 to this Act shown on the deposited plans within limits of land to be acquired or used as they may require for the purpose specified in relation to that land in column (1) of that Schedule.
- (2) The Executive shall cease to have the power, under sections 13 (a) and 16 of the No. 1 Act of 1992, to acquire compulsorily so much of the land in the City of Birmingham delineated on the deposited plans referred to in that Act and thereon numbered 197 as forms part of the land specified in subsection (1) (c) above, and Schedule 6 to that Act shall have effect accordingly.

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14 Temporary possession of lands

- (1) Subject to the provisions of this section the Executive may take temporary possession of and use any of the lands specified in Schedule 6 to this Act for the provision of working sites and access for construction purposes.
- (2) Not less than 28 days before entering upon and taking temporary possession of any land under this section the Executive shall give notice to the owners and occupiers of the land.
 - (i)
 - (a) The Executive shall not, without the agreement of the owners and occupiers, remain in possession of any part of any land of which they take temporary possession under this section after a period of 18 months from the completion of the work of construction for which possession was required.
 - (b) Before giving up possession of any such land, the Executive shall remove all temporary works and restore the land to the reasonable satisfaction of the owners and occupiers thereof.
- (4) The Executive shall not be empowered to purchase compulsorily, or be required to purchase, any land of which they take temporary possession under this section.
 - (a)
 - (a) The Executive shall compensate the owners and occupiers of any land of which they take temporary possession under this section for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to that land.
 - (b) Nothing in this section shall relieve the Executive from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965 as incorporated or applied in this Act, or under any other enactment, 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 (a) above.
- (6) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

15 Application of land purchase provisions of Act of 1989

- (1) The following provisions of the Act of 1989 relating to the acquisition of lands or rights thereover shall, subject to the modifications specified in subsection (2) below and any other necessary modifications, apply for the purposes of this Act to the lands delineated on the deposited plans and described in the deposited book of reference as they apply for the purposes of that Act to the lands referred to in those provisions:—
 - section 27 (Extinction of private rights of way);
 - section 28 (Power to acquire new rights);
 - section 29 (Acquisition of part only of certain properties);
 - section 30 (Disregard of recent improvements and interests);
 - section 31 (Set-off for enhancement in value of retained land);
 - section 33 (Correction of errors in deposited plans and book of reference); and
 - Schedule 5—Adaptation of Part I of the Compulsory Purchase Act 1965.
- (2) For the purposes of this section—
 - (a) in subsection (2) of the said section 28, for the reference to the works authorised by the Act of 1989, there shall be substituted reference to the works authorised by this Act;

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- (b) in the said section 31, the references to works authorised by the Act of 1989 shall include reference to works authorised by the No. 1 Act of 1992 or by this Act; and
- (c) in the said section 33, for references to the deposited plans and the deposited book of reference within the meaning of the Act of 1989, there shall be substituted references to the deposited plans and the deposited book of reference within the meaning of this Act.

16 Period of compulsory purchase of lands or rights

- (1) The powers of the Executive for the compulsory acquisition of the lands and rights which they are authorised to acquire by this Part of this Act shall not be exercised after the expiration of five years from the passing of this Act.
- (2) The powers of the Executive for the compulsory acquisition of the said lands and rights 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.