



Midland Metro (No. 2) Act 1993

1993 CHAPTER vi

PART III

LANDS

13 Power to acquire lands.

Subject to the provisions of this Act the Executive may enter upon, take and use—

- (a) so much 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 authorised works or for any purpose connected with, or ancillary to, their undertaking; and
- (b) so much of any land specified in columns (2) and (3) of Schedule 7 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.

14 Only subsoil or rights to be acquired in certain lands.

- (1) Notwithstanding section 13 (a) of this Act, the Executive shall not acquire compulsorily under this Act any interest in any part of the lands specified in Schedule 8 to this Act except as provided in subsection (2) of this section.
- (2) For the purposes of making, maintaining, protecting, renewing and using the underground railways, the Executive may enter upon, take and use so much of the subsoil of the lands specified in the said Schedule 8, or purchase compulsorily such new rights in such subsoil, as they may require without being required to acquire any greater interest in or under those lands.
- (3) This section has effect without prejudice to the exercise by the Executive of the powers of section 10 (Railway works in streets) and of section 15 (Temporary possession of lands) of this Act in relation to any of the lands specified in the said Schedule 8.
- (4) For the purposes of this section the subsoil of lands shall not include any such subsoil which is within 9 metres of the level of the surface of the ground or, in the case of a

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building on the said lands, the level of the surface of the ground adjoining the building or, in the case of a river, dock, canal, navigation, watercourse or other water area, the level of the surface of the adjoining ground which is at all times above water level.

15 Temporary possession of lands.

- (1) Subject to the provisions of this section the Executive may take temporary possession of and use—
 - (a) any of the land specified in Schedule 7 to this Act which is not within the limits of deviation for any of the authorised works for the provision of working sites and access for construction purposes; and
 - (b) any land within the limits of deviation of any underground railway for the purpose of providing treatment of ground to facilitate the construction of that railway.
- (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.
- (3)
 - (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 its owners and occupiers.
- (4) The Executive shall not be empowered to purchase compulsorily, or be required to purchase, any land of which they take temporary possession under subsection (1) (a) above.
- (5)
 - (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.

16 Application of land purchase provisions of Midland Metro Acts.

- (1) The following provisions of the Act of 1989 and the No. 1 Act of 1992 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 those Acts to the lands referred to in those provisions:—
 - in the Act of 1989—

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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:
in the No. 1 Act of 1992—
section 17 (Acquisition of structures where rights only acquired).

(2) For the purposes of this section—

- (a) in subsection (2) of the said section 28 of the Act of 1989, for the reference to the works authorised by the Act of 1989, there shall be substituted reference to the works authorised by this Act;
- (b) in the said section 31 of the Act of 1989, any references to works authorised by the Act of 1989 shall include reference to works authorised by the No. 1 Act of 1992, the No. 2 Act of 1992, the No. 1 Act of 1993 and this Act;
- (c) in the said section 33 of the Act of 1989, 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;
- (d) in the said section 17 of the No. 1 Act of 1992, for the references to sections 28 (1) and 29 of the 1989 Act as applying for the purposes of the No. 1 Act of 1992, there shall be substituted reference to those provisions as applying for the purposes of this Act, and for the reference to section 16 of the No. 1 Act of 1992 there shall be substituted reference to section 14 of this Act.

17 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.