
STATUTORY INSTRUMENTS

1999 No. 537

**The Channel Tunnel Rail Link
(Boarley Lane Diversion) Order 1999**

PART III

ACQUISITION OF LAND

Application of Compulsory Purchase Act 1965 and Compulsory Purchase (Vesting Declarations) Act 1981

6.—(1) Part I of the 1965 Act, so far as not inconsistent with this Order, shall apply to an acquisition of land under article 5 above as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land Act 1981(1) applies and as if this Order were a compulsory purchase order under that Act.

(2) In its application by virtue of paragraph (1) above, the 1965 Act shall have effect with the following modifications—

- (a) section 4 (time limit for exercise of powers of compulsory purchase) shall be omitted;
- (b) section 11(1) (power to enter on and take possession of land the subject of a notice to treat after giving not less than 14 days' notice) shall have effect—
 - (i) in a case where the notice to treat relates only to the acquisition of subsoil or under-surface of land or an easement or other right over land, with the substitution for “fourteen days” of “one month's”, and
 - (ii) in any other case, with the substitution for “fourteen days” of “3 months”;
- (c) in Schedule 3 (alternative procedure for obtaining right of entry), paragraph 3(3) (requirement as to sureties in relation to bond for compensation) shall be omitted.

(3) The Compulsory Purchase (Vesting Declarations) Act 1981(2) shall apply as if this Order were a compulsory purchase order.

(4) In its application by virtue of paragraph (3) above, the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the following modifications—

- (a) in section 3 (preliminary notices) for subsection (1) there shall be substituted—
 - “(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below in a notice which is—
 - (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and
 - (b) published in the London Gazette.”;

(1) 1981 c. 67.
(2) 1981 c. 66.

- (b) in that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)”, and after “given” there shall be inserted “and published”;
- (c) in that section, subsections (5) and (6) shall be omitted and for those subsections there shall be substituted–
 - “(5) For the purposes of this section, a person has a relevant interest in land if–
 - (a) he is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or
 - (b) he holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”;
- (d) in section 5 (earliest date for execution of declaration)–
 - (i) in subsection (1), after “publication” there shall be inserted “in the London Gazette”, and
 - (ii) subsection (2) shall be omitted;
- (e) in section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted;
- (f) references to the Compulsory Purchase Act 1965 shall be construed as references to that Act as applied to the acquisition of land under article 5 above.