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STATUTORY INSTRUMENTS

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**2001 No. 1347**

**The Leeds Supertram (Extension) Order 2001**

**PART III**

**ACQUISITION AND POSSESSION OF LAND**

*Powers of acquisition*

**Rights under or over streets**

**27.**—(1) The Executive may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the limits of deviation, limits of widening or limits of land to be acquired or used as may be required for the purposes of or in connection with the authorised works and may use the subsoil and air-space for those purposes or any other purpose connected with or ancillary to its undertaking.

(2) The power under paragraph (1) above may be exercised in relation to a street without the Executive being required to acquire any part of the street or any easement or right in the street.

(3) Any person, who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) above is exercised without the undertaker acquiring any part of that person's interest in the land and who suffers loss by the exercise of that power shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961<sup>(1)</sup>.

(4) Paragraph (2) above shall not apply in relation to—

- (a) any subway or underground building; and
- (b) any cellar, vault, arch or other construction in or on a street which forms part of a building fronting on to the street.

(5) Compensation shall not be payable under paragraph (3) above to any person who is an undertaker, to whom section 85 of the 1991 Act applies, in respect of measures of which the allowable costs are to be borne in accordance with that section.

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(1) 1961 c. 33.