
STATUTORY INSTRUMENTS

2006 No. 554

The Port of Ipswich Harbour Revision Order 2006

PART 3

ACQUISITION AND POSSESSION OF LAND

Power to acquire land

14. A.B. Ports may acquire compulsorily so much of the land shown hatched black on the annexed map and described in the Schedule to this Order as may be required for or in connection with the works and may use any land so acquired for those purposes or for any other purposes connected with its undertaking.

Application of Part I of Compulsory Purchase Act 1965

- 15.**—(1) Part I of the 1965 Act shall apply to the acquisition of land under this Order—
- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies, and
 - (b) as if this Order were a compulsory purchase order under that Act.
- (2) Part I of the 1965 Act, as so applied, shall have effect as if—
- (a) section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted, and
 - (b) in section 11(1) (which confers power to enter on and to take possession of land subject to a notice to treat on giving not less than 14 days notice) for the reference to 14 days notice there were substituted a reference to notice of 3 months.

Disregard of certain interests and improvements

16.—(1) In assessing the compensation (if any) payable to any person on the acquisition from him of any land under this Order, 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 on relevant land,

if the tribunal is 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 was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) above “relevant land” means the land acquired from the person concerned or any other land with which he is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Extinction of private rights of way

17.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the acquisition of land by A.B. Ports, whether compulsorily or by agreement, or
- (b) on the entry on the land by A.B. Ports under section 11(1) of the 1965 Act, whichever is sooner.

(2) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961.

(3) This article does not apply to rights of way to which section 271 or 272 of the Town and Country Planning Act 1990(2) (extinguishment of rights of statutory undertakers etc.) applies.

Time limit for exercise of powers of acquisition

18. The powers conferred by this Order to acquire land compulsorily shall cease at the end of the period of 5 years beginning on the day on which this Order comes into force.