
STATUTORY INSTRUMENTS

2007 No. 3345

The Felixstowe Dock and Railway
Company (Land Acquisition) Order 2007

PART 2

ACQUISITION OF LAND

Power to acquire land

3. The Company may acquire compulsorily so much of the land shown coloured pink and edged black on the land plans and described in the book of reference, or such estates, interests, easements, or other rights in or over the land, as may be required for or in connection with the Felixstowe South Reconfiguration and they may use any land so acquired for those purposes or for any other purposes ancillary to the undertaking.

Application of Part 1 of the Compulsory Purchase Act 1965

4.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, 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 made under that Act.

(2) Part 1 of the 1965 Act, as so applied, shall have effect as if 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.

Power to acquire new rights

5.—(1) The Company may compulsorily acquire such easements or other rights over any land referred to in article 3 (power to acquire land) as may be required for any purpose for which that land may be acquired by them under that article, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 1 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the Company acquires a right over land under paragraph (1) they shall not be required to acquire a greater interest in that land.

(3) Schedule 1 shall have effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

Disregard of certain interests and improvements

6.—(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), “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

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

- (a) as from the acquisition of the land by the Company, whether compulsorily or by agreement; or
- (b) on the entry on the land by the Company under section 11(1) of the 1965 Act;

whichever is sooner.

(2) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the Land Compensation Act 1961(2).

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

Time limit for exercise of powers of acquisition

8. No notice to treat shall be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 4 (Application of Part 1 of the Compulsory Purchase Act 1965) after the end of the period of five years beginning on the day on which this Order comes into force.

(2) 1961 c. 33.
(3) 1990 c. 8.