

---

STATUTORY INSTRUMENTS

---

**2009 No. 1300**

**The Nottingham Express Transit System Order 2009**

**PART 3**

**ACQUISITION AND POSSESSION OF LAND**

*Temporary possession of land*

**Temporary use of land for construction of works**

- 36.**—(1) The promoter may, in connection with the carrying out of the authorised works—
- (a) enter upon and take temporary possession of—
    - (i) so much of the land shown on the works and land plans as lying within the temporary limits for the purpose specified in relation to that land in column (3) of Schedule 9 (land of which temporary possession may be taken) relating to the scheduled works (or any of them) specified in column (4) of that Schedule; and
    - (ii) any of the land within the permanent limits in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
  - (b) remove any buildings and vegetation from that land; and
  - (c) construct temporary works (including the provision of means of access) and buildings on the land.
- (2) Not less than 14 days before exercising the powers conferred by paragraph (1) the promoter shall serve notice of the intended entry on the owners and occupiers of the land.
- (3) The promoter may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—
- (a) in the case of land within the temporary limits, after the end of the period of 2 years beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 9; or
  - (b) in the case of land within the permanent limits, after the end of the period of 2 years beginning with the date of completion of the work for which temporary possession of the land was taken unless the promoter has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the promoter shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the promoter shall not be required to replace a building removed under this article.

(5) The promoter shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Without affecting article 81 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 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 (5).

(8) Where the promoter takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(9) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 30(1) (application of Part 1 of the Compulsory Purchase Act 1965).

---

**Commencement Information**

**II** Art. 36 in force at 9.6.2009, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Nottingham Express Transit System Order 2009, Section 36.