
STATUTORY INSTRUMENTS

2016 No. 297

The Thorpe Marsh Gas Pipeline Order 2016

PART 6

Powers of acquisition

Compulsory acquisition of rights

23.—(1) The undertaker may acquire compulsorily such rights over the Order land, or impose restrictive covenants affecting the land, as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) Subject to the provisions of this article, article 24 (private rights), article 29 (temporary use of land for carrying out the authorised development), article 30 (temporary use of land for maintaining the authorised development) and article 31 (statutory undertakers), in the case of the Order land specified in column (1) of Schedule 5 (land in which new rights, etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such new rights or the imposition of restrictive covenants affecting the land for the purpose specified in relation to that land in column (2) of that Schedule.

(3) Subject to section 8 of the 1965 Act, as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land or the benefit of a restrictive covenant under paragraph (1), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights) has 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 or the imposition of a restrictive covenant.

(5) In any case where the acquisition of new rights under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker the undertaker may, with the consent of the Secretary of State, transfer to the statutory undertaker in question the power to acquire such rights or impose such covenants except where paragraph (8) applies in which case no such consent is required.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(7) Any person who suffers loss as a result of the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(8) This paragraph applies to a transfer to National Grid Gas of the powers to acquire rights or impose restrictive covenants under paragraph (1) which relate to, or which may be necessary or expedient for or ancillary to, the construction, operation, maintenance and diversion of Work No. 5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) Nothing in this article authorises the acquisition of rights over, or the imposition of restrictive covenants affecting, an interest which is for the time being held by or on behalf of the Crown.