
STATUTORY INSTRUMENTS

2020 No. 511

The West Midlands Rail Freight Interchange Order 2020

PART 5

POWERS OF ACQUISITION

Compulsory acquisition of rights

25.—(1) The undertaker may acquire compulsorily the existing rights and create and acquire compulsorily the new rights listed in Schedule 11 (land in which new rights may be created) and described in the book of reference and shown on the land plans.

(2) From the date on which a compulsory acquisition notice is served pursuant to section 134 (notice of authorisation of compulsory acquisition) of the 2008 Act or the date on which any new right is vested in the undertaker, whichever is the later, all rights, trusts and incidents to which the land over which any new right is, or rights are, acquired was previously subject are discharged, so far as their continuance would be inconsistent with the exercise of that new right.

(3) Subject to section 8^{M1} (other provisions as to divided land) of, and Schedule 2A^{M2} (counter-notice requiring purchase of land not in notice to treat) to, the 1965 Act (as substituted by paragraph 5(8) of Schedule 12 (modifications of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires an existing right over land under paragraph (1), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 12 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.

(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 the power to acquire such rights to the statutory undertaker in question.

(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 by 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.

Marginal Citations

M1 Section 8 was amended by paragraphs 1 and 2 of Part 1 of Schedule 17 to the [Housing and Planning Act 2016 \(c. 22\)](#) and [S.I. 2009/1307](#).

M2 Schedule 2A was inserted by paragraphs 1 and 3 of Schedule 17 to the [Housing and Planning Act 2016 \(c. 22\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The West Midlands Rail Freight Interchange Order 2020, Section 25.