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WELSH STATUTORY INSTRUMENTS

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**2011 No. 1565**

**The Saundersfoot Harbour Empowerment Order 2011**

**PART 3**

**ACQUISITION OF LAND**

**Power to acquire land**

**16.** The Commissioners may acquire compulsorily so much of the land or interests in land comprised in the works and car park as is described in Schedule 3 and shown in the map in Schedule 4 to this Order and was vested in the former Commissioners under the 1958 Order, and may use any land so acquired for the purposes of carrying on the undertaking or for any other connected purposes.

**Application of Part 1 of the Compulsory Purchase Act 1965**

**17.—(1)** Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies 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 1 of the 1965 Act, as so applied, has 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.

**Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

**18.—(1)** The Compulsory Purchase (Vesting Declarations) Act 1981(2) applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1) has effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) substitute—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

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(1) 1981 c. 67.  
(2) 1981 c. 66.

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.

(5) In that section, for subsections (5) and (6) substitute—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) he is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
- (b) he holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

(7) In section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.

(8) References to the 1965 Act are to be construed as references to that Act as applied to the acquisition of land under article 17 (application of Part 1 of the Compulsory Purchase Act 1965).

### **Disregard of certain interests and improvements**

**19.**—(1) In assessing the compensation (if any) payable to any person on the acquisition from that person of any land under this Order, the tribunal must 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” (“*tirperthnasol*”) means the land acquired from the person concerned or any other land with which that person 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**

**20.**—(1) All private rights of way over, and any other third party rights in land subject to compulsory acquisition under this Order, are extinguished from the sooner of—

- (a) the acquisition of the land by the Commissioners, whether compulsorily or by agreement, or
- (b) the entry on the land by the Commissioners under section 11(1) of the 1965 Act.

(2) Any person who suffers loss by the extinguishment of any private right of way or other legal interest in the land under this article is 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 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**

**21.** After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act, as applied by article 17; and
- (b) no declaration is to be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by article 18.