

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Severn Bridges Act 1992, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 2.

ACQUISITION AND OCCUPATION OF LAND

PART I

ACQUISITION OF LAND OUTSIDE LIMITS OF DEVIATION

(1)Area	(2)Number of land shown on deposited plans	(3)Purpose for which land may be acquired
Borough of Monmouth Community of Rogiet	16a, 17a, 18a and 19a	Access (including a temporary bridge over the railway), provision of services and drainage
	26a, 27a, 30a, 51, 52, 53, 54 and 58	Access for drainage work along West Pill Reen and at West Pill
	34a	Access to severed land
Borough of Monmouth Community of Caldicot	2a, 3a and 15a	Drainage outfall and access to Back Ditch and Severn Estuary sea defences
	38a, 39a and 44a	Marine operations, construction and access
	42	Preservation of woodlands for landscaping
Borough of Monmouth Community of Portskewett	1	Preservation of woodlands for landscaping
	2a	Marine operations, construction and access
District of Northavon Parish of Pilning and Severn Beach	1a, 2a, 39a and 40a	Marine operations, construction and access
	21	Footpath
	58 and 59	Footpath
	68a	Service diversion
	98 and 100	Access to severed land
District of Northavon Parish of Almondsbury	1a	Access to severed land

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	3a, 4a, 5a, 7a, and 8a	Service diversions
	13a	Footpath
City of Bristol	2a and 5	Footpath
	13a and 43	Footpath and cycle track
	27, 28 and 29	Footpath
	31	Playing field

PART II

ACQUISITION: SUPPLEMENTARY

Acquisition of rights

- 1 (1) The Secretary of State may under section 2 of this Act acquire easements or other rights in or over land by creating them as well as acquiring easements or other rights already in existence.
- (2) In relation to the compulsory acquisition of a right by virtue of sub-paragraph (1) above the provisions of the ^{M1}Highways Act 1980 specified in sub-paragraph (3) below shall apply—
- (a) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act, and
 - (b) as if such an acquisition were made by a compulsory purchase order made in the exercise of highway land acquisition powers.
- (3) The provisions of the Highways Act 1980 referred to in sub-paragraph (2) above are—
- (a) section 250(4) and (5) and Part II of Schedule 19 (adaptations of ^{M2}Compulsory Purchase Act 1965 and the enactments relating to compensation for compulsory purchase),
 - (b) section 251 (rights acquired to be binding on successive owners of the land), and
 - (c) section 252 (power of landowners affected by rights acquisition to compel acquisition of whole interest).

Marginal Citations

M1 1980 c. 66.

M2 1965 c. 56.

Subsoil and under-surface

- 2 The Secretary of State may under section 2 of this Act acquire so much of the subsoil and under-surface of land as is required as mentioned in that section without being required to acquire an interest in any other part of it.

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Mines and minerals

- 3 (1) Parts II and III of Schedule 2 to the ^{M3}Acquisition of Land Act 1981 (exception of mines and minerals from compulsory purchase and regulation of the working of mines and minerals underlying an authorised undertaking) shall apply in relation to land within the limits of land to be acquired as if it were comprised in a compulsory purchase order providing for the incorporation with the order of those Parts of that Schedule.
- (2) For the purposes of Part III of that Schedule as it applies by virtue of subparagraph (1) above, paragraph 1(3) of that Schedule (meaning of underlying) shall have effect as if the prescribed distance in relation to any mines or minerals lying under land near any of the works authorised by this Act were the greater of—
- (a) such lateral distance from those works on every side as is equal at every point along those works to one-half of the depth of the mines or minerals below the natural surface of the ground at that point, and
 - (b) 40 metres.

Marginal Citations

M3 1981 c. 67.

Private rights of way

- 4 (1) All private rights of way over land which may be acquired compulsorily under section 2 of this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of section 11(1) of the Compulsory Purchase Act 1965, as applied by section 2 of this Act, whichever is the sooner.
- (2) A person who suffers loss by the extinguishment of a right under this paragraph shall be entitled to compensation to be determined, in case of dispute, under and in accordance with Part I of the ^{M4}Land Compensation Act 1961.

Marginal Citations

M4 1961 c. 33.

Compensation

- 5 Section 4 of the ^{M5}Acquisition of Land Act 1981 (assessment of compensation where unnecessary work undertaken to obtain compensation) shall have effect in relation to a compulsory acquisition under section 2 of this Act as if it were a compulsory purchase to which that Act applies.

Marginal Citations

M5 1981 c. 67.

- 6 Where land is or rights in or over land are compulsorily acquired under section 2 of this Act, section 261 of the ^{M6}Highways Act 1980 (benefit to be taken into account in

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assessing compensation) shall have effect as if the acquisition were one in relation to which that section has effect.

Marginal Citations

M6 1980 c. 66.

PART III

TEMPORARY OCCUPATION OF LAND

- 7 (1) Subject to the provisions of this paragraph, the Secretary of State may, in connection with the construction of—
- (a) the scheduled works specified in column (1) of the following table, or
 - (b) any works which are necessary or expedient for the purposes of, in connection with or in consequence of those works,
- enter upon and take temporary possession of the land in the areas specified in columns (2) and (3) of that table for such purposes as are specified in column (4) of that table and may, for such purposes, remove buildings on that land and provide means of access to that land.

TABLE

(1) Works Nos.	(2) Area	(3) Number of land shown on deposited plans	(4) Purpose for which temporary possession may be taken
1, 1A and 1B	Borough of Monmouth Community of Magor with Undy	4t, 5t, 6t, 7t and 10t	Construction access
1, 1B, 2, 2A, 2B, 7, 7A and 8	Borough of Monmouth Community of Rogiet	3t, 6 and 10	Construction access
2, 2A, 2B, 7, 7A and 8	Borough of Monmouth Community of Rogiet	11, 12, 13 and 14	Construction access and regrading of land prior to return to agriculture
2, 2A, 2B, 7, 7A and 8	Borough of Monmouth Community of Rogiet	21 and 22	Construction access
2	Borough of Monmouth	35, 36, 37, 38, 39 and 40	Temporary service diversions

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	Community of Rogiet		
2, 3, 9 and 27	Borough of Monmouth Community of Caldicot	14, 15, 16, 17, 18, 19, 20, 21 and 31t	Construction and manufacturing site and access and surface water drainage outfalls
3, 10, 28, 29, 30 and 31	District of Northavon Parish of Pilning and Severn Beach	2t and 76	Construction and manufacturing site and access
4, 4B, 4C, 13, 13A, 14, 15, 16, 16A and 17	District of Northavon Parish of Olveston	43t	Construction access
5	District of Northavon Parish of Almondsbury	1t, 12, 19 and 20	Temporary service diversions

- (2) Not less than 28 days before entering upon and taking temporary possession of land under this paragraph the Secretary of State shall give notice to the owners and occupiers of the land.
- (3) The Secretary of State shall not, without the agreement of the owners and occupiers of the land, remain in possession of land under this paragraph after a period of one year from the completion of the work specified in relation to that land in column (1) of the table in sub-paragraph (1) above.
- (4) All private rights of way over land of which the Secretary of State takes temporary possession under this paragraph shall be suspended and unenforceable for so long as the Secretary of State remains in lawful possession of the land.
- (5) Before giving up possession of land of which temporary possession has been taken under this paragraph, the Secretary of State shall remove all temporary works and restore the land to the reasonable satisfaction of the owners and occupiers of the land; but the Secretary of State shall not be required to replace a building removed by him under this paragraph.
- (6) The Secretary of State shall pay compensation to—
 - (a) the owners and occupiers of land of which temporary possession is taken under this paragraph for loss or damage resulting from the exercise of the powers conferred by this paragraph in relation to that land, and
 - (b) a person who suffers loss or damage by reason of the suspension of a right under this paragraph.
- (7) Nothing in this paragraph shall affect any liability to pay compensation under section 10(2) of the ^{M7}Compulsory Purchase Act 1965, as applied by section 2 of this 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 sub-paragraph (6) above.

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- (8) A dispute as to a person's entitlement to compensation under sub-paragraph (6) above, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the ^{M8}Land Compensation Act 1961.

Marginal Citations

- M7** 1965 c. 56.
M8 1961 c. 33.

PART IV

CORRECTION OF DEPOSITED PLANS

- 8 (1) If the deposited plans or the book of reference to those plans are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Secretary of State, after giving not less than ten days' notice to the owner and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction of the plans or book of reference.
- (2) If on such an application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, the justices shall certify accordingly and shall in their certificate state in what respect a matter is misstated or wrongly described.
- (3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy of it in the Private Bill Office of the House of Commons and at the principal offices of Avon County Council, Gwent County Council, Bristol City Council, Northavon District Council and [^{F1}Monmouthshire County Council]; and the deposited plans or the book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Secretary of State, in accordance with the certificate, to proceed under this Act as if the deposited plans or the book of reference had always been in the corrected form.
- (4) A person with whom a copy of the certificate is deposited under this paragraph shall keep it with the documents to which it relates.
- (5) In this paragraph "book of reference" means the book deposited in November 1990 in connection with the Severn Bridges Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.

Textual Amendments

- F1** Words in Sch. 2 para. 8(3) substituted (1.4.1996) by 1994 c. 19, s. 22(1), Sch. 7 Pt.I para. 33(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art.3, Sch. 1

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