



Channel Tunnel Rail Link Act 1996

1996 CHAPTER 61

PART I

THE CHANNEL TUNNEL RAIL LINK

Land

4 Acquisition within limits shown on deposited plans

- (1) The Secretary of State is authorised by this section to acquire compulsorily—
 - (a) so much of the land shown on the deposited plans within the limits of deviation for the scheduled works as may be required for or in connection with the works authorised by this Part of this Act, and
 - (b) so much of the land so shown within the limits of land to be acquired or used as may be so required.
- (2) Without prejudice to the generality of subsection (1) above, the purposes for which land may be acquired under that subsection include, in the case of so much of any land specified in columns (1) and (2) of Part I of Schedule 4 to this Act as is within the limits of land to be acquired or used, the purpose specified in relation to that land in column (3) of that Part as one for which that land may be acquired or used.
- (3) Part II of Schedule 4 to this Act (application of legislation relating to compulsory purchase) and Part III of that Schedule (supplementary provisions) shall have effect.

5 Acquisition outside limits shown on deposited plans

- (1) The Secretary of State may acquire compulsorily land outside the relevant limits which is required for or in connection with the works authorised by this Part of this Act.
- (2) Without prejudice to the generality of subsection (1) above, the land which may be compulsorily acquired under that subsection shall include land which is or will be required—

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- (a) for use in mitigating the effect on the environment of any of the works authorised by this Part of this Act,
 - (b) for use in relocating apparatus which it is expedient to divert or replace in consequence of the carrying out of any of the works authorised by this Part of this Act, or
 - (c) for the purpose of being given in exchange for land forming part of a common, open space or fuel or field garden allotment which is acquired under section 4(1) above.
- (3) The power of acquiring land compulsorily under subsection (1) above shall include power to acquire an easement or other right over land by the grant of a new right.
- (4) The Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under subsection (1) above; and Schedule 3 to that Act shall apply to a compulsory acquisition by virtue of subsection (3) above.
- (5) Part I of the Compulsory Purchase Act 1965, and the enactments relating to compensation for the compulsory purchase of land, shall apply to a compulsory acquisition by virtue of subsection (3) above with the modifications mentioned in paragraph 8(2)(a) and (b) of Schedule 4 to this Act.
- (6) In this section—
- “apparatus” includes a sewer, drain or tunnel and any structure for the lodging therein of apparatus or for gaining access to apparatus;
 - “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
 - “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
 - “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground; and
 - “the relevant limits” means the limits of deviation for the scheduled works and the limits of land to be acquired or used.

6 Temporary possession and use

Schedule 5 to this Act (which contains provisions about temporary possession and use of land for the purposes of this Part of this Act) shall have effect.

7 Extinguishment of private rights of way

- (1) All private rights of way over land which is held by the Secretary of State as being required for or in connection with the works authorised by this Part of this Act shall be extinguished—
- (a) in the case of land held by the Secretary of State immediately before the coming into force of this Act, on the coming into force of this Act, and
 - (b) in the case of land acquired by the Secretary of State after the coming into force of this Act, at the appropriate time.
- (2) For the purposes of subsection (1)(b) above, the appropriate time is the time of acquisition, except where land—
- (a) is acquired compulsorily, and

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- (b) is land in respect of which the power conferred by section 11(1) of the Compulsory Purchase Act 1965 (power of entry following notice to treat) is exercised,
in which case it is the time of entry under that provision.
- (3) Any person who suffers loss by the extinguishment of any right of way under this section shall be entitled to be compensated by the nominated undertaker.
- (4) Any dispute as to a person's entitlement to compensation under this section, or as to the amount of such compensation, shall be determined under and in accordance with Part I of the Land Compensation Act 1961.
- (5) This section does not apply in relation to any right of way to which section 271 or 272 of the Town and Country Planning Act 1990 (extinguishment of rights of statutory undertakers etc.) applies.

8 Extinguishment of rights of statutory undertakers etc

- (1) Sections 271 to 273 of the Town and Country Planning Act 1990 (extinguishment of rights of statutory undertakers etc.) shall apply in relation to land held by the Secretary of State as being land which is required for or in connection with the works authorised by this Part of this Act as they apply in relation to land acquired or appropriated as mentioned in section 271(1) of that Act.
- (2) In the application of sections 271 to 273 of that Act by virtue of subsection (1) above, references to the acquiring or appropriating authority shall be construed as references to the nominated undertaker.
- (3) In their application by virtue of subsection (1) above, sections 271 and 272 of that Act shall also have effect with the following modifications—
 - (a) in subsection (2), for the words from “with” to “appropriated” there shall be substituted “authorised by Part I of the Channel Tunnel Rail Link Act 1996”, and
 - (b) in subsection (5), for the words from “local” to “or undertakers” there shall be substituted “a person other than a Minister, he”.
- (4) In the Town and Country Planning Act 1990, any reference to, or to any provision of, section 271, 272 or 273 shall include a reference to, or to that provision of, that section as applied by subsection (1) above.
- (5) In their application by virtue of subsection (4) above, the following provisions of that Act shall have effect with the following modifications—
 - (a) in section 274(3), for “local authority or statutory undertakers” there shall be substituted “person”, and
 - (b) in sections 274(5), 279(2) to (4) and 280(6), references to the acquiring or appropriating authority shall be construed as references to the nominated undertaker.