
STATUTORY INSTRUMENTS

1998 No. 2919

**TRANSPORT AND WORKS
TRANSPORT**

**The Greater Manchester (Light Rapid Transit
System) (Land Acquisition) Order 1998**

Made - - - - 23rd October 1998

Coming into force - - 13th November 1998

Whereas an application has been made to the Secretary of State for Transport in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1) made under sections 6, 7 and 10 of the Transport and Works Act 1992(2) (“the Act”), for an Order under sections 1 and 5 of the Act;

And whereas the Secretary of State for the Environment, Transport and the Regions (“the Secretary of State”) is satisfied in accordance with section 13(1) of the Act that its requirements in relation to any objections have been satisfied;

And whereas the Secretary of State has determined to make an Order giving effect to the proposals comprised in the application and notice of his determination was published in the London Gazette on 21st October 1998;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 3 to 5, 7 and 11 of Schedule 1 to, the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1998 and shall come into force on 13th November 1998.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—
“the 1965 Act” means the Compulsory Purchase Act 1965(3);

(1) S.I.1992/2902.
(2) 1992 c. 42.
(3) 1965 c. 56.

- “the 1991 Act” means the Greater Manchester (Light Rapid Transit System) Act 1991(4);
- “authorised works” means the works authorised by the 1991 Act;
- “the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “the Executive” means Greater Manchester Passenger Transport Executive;
- “the land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;
- “the tribunal” means the Lands Tribunal.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air-space over its surface.

Power to acquire land

3. The Executive may acquire compulsorily so much of the land shown on the land plans and described in the book of reference as may be required for the purposes of the authorised works and may use any land so acquired for those purposes or for any other purposes connected with or ancillary to its undertaking.

Application of Part I of Compulsory Purchase Act 1965

4.—(1) Part I of the 1965 Act, insofar as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(5) applies, and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part I of the 1965 Act, as so applied, shall have effect as if—

- (a) 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, and
- (b) in section 11(1) (which confers power to enter on and to take possession of land subject to a notice to treat on giving not less than 14 days' notice) for the reference to 14 days' notice there were substituted—
 - (i) in a case where the notice to treat relates only to the acquisition of subsoil or the acquisition of an easement or other right over the land, a reference to notice of one month, or
 - (ii) in any other case, a reference to notice of 3 months.

Disregard of certain interests and improvements

5.—(1) In assessing the compensation (if any) payable to any person on the acquisition from him of any land under this Order, the tribunal shall 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,

(4) 1991 c. xvi.
(5) 1981 c. 67.

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) above “relevant land” means the land acquired from the person concerned or any other land with which he 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

6.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

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

whichever is the sooner.

(2) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961(6).

Time limit for exercise of powers of acquisition

7. The powers conferred by this Order to acquire any land shall be deemed to have been exercised if, before the end of the period of 5 years beginning on the day on which this Order comes into force, notice to treat has been served in respect of the land but, subject thereto, the powers shall cease to have effect at the end of that period.

Certification of plans etc.

8. The Executive shall, as soon as practicable after the making of this Order, submit copies of the book of reference and the land plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference and plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Modification of 1991 Act

9. Section 19 (For protection of British Railways Board) of the 1991 Act and sections 43 (For protection of electricity, gas and water undertakers) and 44 (For protection of North West Water Authority) of the Greater Manchester (Light Rapid Transit System) Act 1988(7) as applied by the 1991 Act shall apply to the powers of compulsory acquisition contained in this Order as they applied to the powers of compulsory acquisition contained in the 1991 Act and the reference to the deposited plans in subsection (3) of the said section 43 shall be taken to include a reference to the land plan prepared for the purposes of this Order.

For protection of Railtrack PLC

10.—(1) For the protection of Railtrack PLC the following provisions shall, unless otherwise agreed in writing between the Executive and Railtrack PLC, have effect.

(6) 1961 c. 33.

(7) 1988 c. i.

(2) In this article “railway property” means the railway property of Railtrack PLC comprised in the land numbered 27 on the land plans.

(3) The Executive shall not under the powers of this Order or section 11(3) of the 1965 Act acquire, use or enter on any railway property except with the consent of Railtrack PLC.

(4) Except with the consent of Railtrack PLC–

(a) the Executive shall not in the exercise of the powers of this Order or the 1991 Act prevent pedestrian or vehicular access to any railway property; and

(b) the provisions of article 6 of this Order shall not apply to any right of access of Railtrack PLC to any railway property.

(5) The consent of Railtrack PLC for the purpose of paragraphs (2) or (3) above shall not be unreasonably withheld but may be given subject to reasonable conditions.

(6) The Executive and Railtrack PLC may enter into, and carry into effect, agreements for the transfer to the Executive of–

(a) any railway property shown on the land plans and described in the book of reference,

(b) any lands, works or other property held in connection with any such railway property, and

(c) any rights and obligations (whether or not statutory) of Railtrack PLC relating to any land, works or property referred to in this paragraph.

(7) Section 19 (For protection of British Railways Board) of the 1991 Act shall have effect as if–

(a) any reference to the railways board (other than in paragraph (18)) were a reference to Railtrack PLC;

(b) paragraphs 2(a) and (3) were omitted; and

(c) after paragraph (19) there were inserted the following paragraph–

(a) “(19A) The compensation payable under paragraph (19) above shall include a sum equivalent to the relevant costs.

(b) Subject to the terms of any agreement between Railtrack PLC and the relevant train operators regarding the terms of payment of the relevant costs in respect of that train operator, Railtrack PLC shall promptly pay to each train operator the amount of any compensation which it receives under this paragraph which relates to the relevant costs of that train operator.

(c) In this paragraph “relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any restriction in the use of Railtrack PLC’s railway network as a result of the construction, maintenance or failure of the specified works or any such failure act or omission as is mentioned in paragraph (19) above.

(d) The obligation under this paragraph to pay Railtrack PLC the relevant costs shall in the event of default be enforceable direct by the train operator concerned.”

(8) Any dispute arising between the Executive and Railtrack PLC under this article (other than a dispute as to the meaning or construction of this article) shall be referred to and settled by arbitration in the manner provided by section 47 of the Greater Manchester (Light Rapid Transit System) Act 1988(8).

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

23rd October 1998

A S D Whybrow
Head of Charging and Local Transport Division,
Department of the Environment, Transport and
the Regions

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers fresh powers of compulsory acquisition on Greater Manchester Passenger Transport Executive for the purposes of the Greater Manchester (Light Rapid Transit System) Act 1991. The land affected was subject to powers of compulsory acquisition under that Act which powers expired on 22nd October 1996.

Copies of the land plans and the book of reference may be inspected at all reasonable hours at the offices of the Executive, 9 Portland Street, Piccadilly Gardens, Manchester M60 1HX.