
STATUTORY INSTRUMENTS

1999 No. 2129

The Welsh Highland Railway Order 1999

PART III

ACQUISITION AND POSSESSION OF LAND

Temporary use of land for construction of works

16.—(1) The undertaker may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of the land specified in columns (1) and (2) of Schedule 6 to this Order for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works specified in column (4) of that Schedule;
- (b) remove any buildings and vegetation from that land; and
- (c) construct temporary works (including the provision of means of access) and buildings on that land.

(2) Where possible not less than 3 months, and in any case not less than 28 days before entering upon and taking temporary possession of land under paragraph (1) above, the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The undertaker shall give up possession of land of which temporary possession has been taken under this article as soon as practicable after the date of completion of the work or works specified in relation to that land in column (4) of Schedule 6 to this Order, but may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with that date.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(5) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5) above, or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961⁽¹⁾.

(7) Without prejudice to article 42 below, nothing in this article shall affect any liability to pay compensation under section 10(2) of the Act of 1965 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 paragraph (5) above.

(8) In respect of the land specified in columns (1) and (2) of Schedule 6 to this Order, the undertaker shall not exercise the powers of compulsory acquisition under article 14 above but may acquire new rights over any part of that land.

(1) 1961 c. 33.

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

(9) Where the undertaker takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) In this article “building” includes structure or any other erection.