
STATUTORY INSTRUMENTS

2005 No. 1918

The Greater Manchester (Leigh Busway) Order 2005

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Rights under or over streets

25.—(1) Subject to paragraph (2) the undertaker may enter upon and appropriate so much of the surface, subsoil of, or airspace over, any street 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 the surface, subsoil and airspace for those purposes or any other purpose connected with or ancillary to its busway undertaking.

(2) The power under paragraph (1) may be exercised in relation to a street without the undertaker being required to acquire any part of the street or any easement or right in the street, and except in relation to a street which is subject to stopping-up pursuant to article 9, the powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the street.

(3) Any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(4) Paragraph (2) shall not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in or on a street which forms part of a building fronting on to the street.