
STATUTORY INSTRUMENTS

2006 No. 3118

The Luton Dunstable Translink Order 2006

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

19.—(1) The Council may acquire compulsorily—

- (a) so much of the land shown on the deposited plans within the limits of deviation for the scheduled works shown on those plans and described in the book of reference as may be required for, or for purposes ancillary to, the authorised works; and
- (b) so much of the land specified in columns (1) and (2) of Schedule 2 (acquisition of certain land) to this Order (being land shown on the deposited plans and described in the book of reference) as may be required for the purpose specified in relation to that land in column (3) of that Schedule,

and may use any land so acquired for those purposes or for any other purposes ancillary to the construction of Translink.

(2) Without prejudice to the generality of paragraph (1), the land which may be acquired compulsorily under that paragraph shall include land which is or will be required—

- (a) for use in mitigating the effect on the environment of any of the works authorised by this Order;
- (b) for use in relocating any apparatus which it is expedient to divert or replace in consequence of the carrying out of any of the works authorised by this Order; 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 paragraph (1).

(3) Nothing in this Order shall authorise the Council to acquire compulsorily—

- (a) any interest in designated land belonging to any local authority or parish council; and
- (b) any interest in the lands within the limits of deviation delineated on the deposited plans and thereon numbered 62, 63, 67 and 72 in the Borough of Luton.

(4) In this article—

“apparatus” has the same meaning as in article 7(2) (power to keep apparatus in streets) and includes apparatus belonging to a statutory utility;

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882(1) and any town or village green;

(1) 1845 c. 118. 1846 c. 70. 1847 c. 111. 1848 c. 99. 1849 c. 83. 1851 c. 10. 1852 c. 79. 1857 c. 31. 1859 c. 43. 1868 c. 89. 1876 c. 56. 1878 c. 56. 1879 c. 37. 1882 c. 15.

Status: This is the original version (as it was originally made).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

“designated land” means the land delineated on the deposited plans and thereon numbered 58, 58a, 67, 81, 87, 88, 91, 94 and 97 in the District of South Bedfordshire;

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“local authority” means the County Council, the Council and South Bedfordshire District Council;

“parish council” means the parish council of any parish within the area of a local authority;

“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

“statutory utility” means a licence holder within the meaning of Part 1 of the Electricity Act 1989⁽²⁾, a public gas transporter within the meaning of Part 1 of the Gas Act 1986⁽³⁾, a water undertaker within the meaning of the Water Industry Act 1991⁽⁴⁾, a sewerage undertaker within Part 1 of that Act and any local authority which is a relevant authority for the purposes of section 97 of that Act.

(5) This article is subject to article 24 (temporary use of land for construction of works).

⁽²⁾ 1989 c. 29.

⁽³⁾ 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 c. 45.

⁽⁴⁾ 1991 c. 56.