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STATUTORY INSTRUMENTS

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**2014 No. 3328**

**The Wellington C Gas Pipeline Order 2014**

**PART 5**

**POWERS OF ACQUISITION**

**Power to override easements and other rights**

**19.**—(1) The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised for the purpose specified in section 158(2) of the 2008 Act (nuisance: statutory authority), notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.

(2) The interests and rights to which this article applies include any easements, liberties, privileges and advantages annexed to land and adversely affecting other land, including any natural right to support, and include restrictions as to the user of the land arising by virtue of a contract having that effect or any other covenants, trusts or incidents.

(3) Compensation in respect of any interference or breach pursuant to this article—

- (a) is payable under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance)<sup>(1)</sup>; and
- (b) will be assessed subject to section 10(2) of the 1965 Act<sup>(2)</sup>, which applies by virtue of section 152(5) of the 2008 Act; and

any rule or principle applied to the construction of section 10 of the 1965 Act will be applied to the construction of this paragraph (with any necessary modifications).

(4) Nothing in this article is to be construed as authorising any act or omission on the part of any person that is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in paragraph (1).

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<sup>(1)</sup> Section 152 was amended by paragraph 293 of Schedule 1 to [S.I. 2009/1307](#).

<sup>(2)</sup> Section 10 was amended by paragraph 63 of Schedule 1 to [S.I. 2009/1307](#) and paragraph 13 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11).