
STATUTORY INSTRUMENTS

2015 No. 1574

The Hirwaun Generating Station Order 2015

PART 5

POWERS OF ACQUISITION

Private rights

21.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

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

whichever is the earliest.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights under this Order are suspended and unenforceable or, where so notified by the undertaker, extinguished in so far as in either case their continuance would be inconsistent with the exercise of the right—

- (a) as from the date of acquisition of the right by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry) in pursuance of the right,

whichever is the earliest.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker are extinguished on commencement of any activity authorised by this Order which interferes with or breaches such rights.

(4) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land and so far as their continuance would be inconsistent with the exercise of the temporary possession of that land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this Order is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers) or article 28 (statutory undertakers) applies.

⁽¹⁾ Section 11 was amended by section 34 of, and Schedule 4 to, the Acquisition of Land Act 1981 (c.67), section 3 of Schedule 1 to the Housing (Consequential Provisions) Act 1985 (c.71) and paragraph 64 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

- (7) Paragraphs (1) to (3) have effect subject to—
- (a) any notice given by the undertaker before—
- (i) the completion of the acquisition of the land or the acquisition of rights over land,
 - (ii) the undertaker’s appropriation of it,
 - (iii) the undertaker’s entry onto it, or
 - (iv) the undertaker’s taking temporary possession of it,
- that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.
- (8) If any such agreement as is referred to in paragraph (7)(b)—
- (a) is made with a person in or to whom the right is vested or belongs; and
 - (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

- (9) This article does not apply to—
- (a) any land or interest in land owned by—
- (i) Rhondda Cynon Taf County Borough Council in plots 1_GR, 1a_GR, 1b_GR, 3_GR, 3a_GR, 3b_GR, 4_GR, 4a_GR, 4b_GR, 5_GR, 5a_GR, 8_GR, 8a_GR, 8b_GR, 9_GR, 9a_GR, 9b_GR, 1_ER, 2_ER, 3_ER and 4_ER;
 - (ii) Paul Jonathan Lloyd in plots 2_ER and 3_ER;
 - (iii) Hirwaun Estates Limited in plots 4_ER and 5_ER;
 - (iv) Skipton Building Society in plot 4_ER;
 - (v) J.D. Burford Limited in plot 5_ER;
 - (vi) Wendy Joseph in plot 5_ER;
 - (vii) Philip Sedgemore in plot 5_ER;
 - (viii) Tip Top Toilets Limited in plot 5_ER;
 - (ix) Walter Energy Limited in plot 5_ER;
 - (x) Welsh Tyre Recycling in plot 5_ER; and
 - (xi) The Welsh Government in plots 1_MS, 2_MS, 3_MS, 4_MS, 5_MS, 6_MS, 7_MS and 4_ER,
- (b) any reference to a plot in this article is a reference to a plot of land identified on the land plans and referred to in the book of reference.

Commencement Information

II Art. 21 in force at 14.8.2015, see [art. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hirwaun Generating Station Order 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [art. 36\(1A\)](#) inserted by [S.I. 2016/1087 art. 4\(3\)](#)