
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 3

POWERS OF ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Application of the 1981 Act

- 26.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of Act) for subsection (2) substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”
- (4) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.
- (5) Omit section 5A^{M1} (time limit for general vesting declaration).
- (6) In section 5B^{M2} (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “ section 118^{M3} (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 21 of the Silvertown Tunnel Order 2018 ”.
- (7) In section 6^{M4} (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “ section 134^{M5} (notice of authorisation of compulsory acquisition) of the Planning Act 2008 ”.
- (8) In section 7 (constructive notice to treat) in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (9) In Schedule A1^{M6} (counter-notice requiring purchase of land not in general vesting declaration), for paragraph 1(2) substitute—
- “(2) But see article 27(4) (acquisition of subsoil, etc., only) of the Silvertown Tunnel Order 2018^{M7}, which excludes the acquisition of subsoil or airspace only from this Schedule.”
- (10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 25 (modification of Part 1 of the [F1 1965 Act])) to the compulsory acquisition of land under this Order.

Changes to legislation: There are currently no known outstanding effects for the
The Silvertown Tunnel Order 2018, Section 26. (See end of Document for details)

Textual Amendments

- F1** Words in [art. 26\(10\)](#) substituted (22.2.2019) by [The Silvertown Tunnel \(Correction\) Order 2019 \(S.I. 2019/413\)](#), arts. 1, **2(6)**
-

Marginal Citations

- M1** As inserted by section 182(2) of the [Housing and Planning Act 2016 \(c. 22\)](#).
- M2** As inserted by section 202(2) of the [Housing and Planning Act 2016 \(c. 22\)](#).
- M3** As amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the [Localism Act 2011 \(c. 20\)](#) and section 92(4) of the [Criminal Justice and Courts Act 2015 \(c. 2\)](#).
- M4** As amended by paragraph 52(2) of Schedule 2 to the [Planning \(Consequential Provisions\) Act 1990 \(c. 11\)](#) and paragraph 7 of Schedule 15 to the [Housing and Planning Act 2016 \(c. 22\)](#).
- M5** As amended by section 142 of, and Part 21 of Schedule 25 to, the [Localism Act 2011 \(c. 20\)](#) and [S.I. 2017/16](#).
- M6** As inserted by paragraph 6 of Schedule 18 to the [Housing and Planning Act 2016 \(c. 22\)](#).
- M7** [S.I. 2018/574](#).

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Section 26.