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STATUTORY INSTRUMENTS

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**2020 No. 1067**

The Midland Metro (Wednesbury to  
Brierley Hill Land Acquisition) Order 2020

PART 2

ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

**Power to acquire land**

3.—(1) The Executive may acquire compulsorily so much of the land specified in column (2) of Part 1 (acquisition of land) of Schedule 1 (acquisition of land and rights) (being land shown on the land plans and described in the book of reference) as may be required for the purposes specified in relation to that land in column (3) of that table and may use any land so acquired for those purposes or for any other purposes that are ancillary to its tramway undertaking.

(2) The powers conferred by paragraph (1) in relation to the land numbered 339 on the land plans do not extend to any part of that land below a level of 2.590 metres above the water level of the Dudley Canal No 1.

**Application of Part 1 of the 1965 Act**

4.—(1) Part 1 (compulsory purchase under the Acquisition of Land Act 1946) of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as so applied, has effect with the following modifications.

(3) Omit section 4 (time limit for giving notice to treat).

(4) In section 4A(1)(2) (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 4”, substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 11 (time limit for exercise of powers of acquisition) of the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020”.

(5) In section 11(1B)(3) (powers of entry) in a case where a notice to treat relates only to the acquisition of an easement or other right over land, for “3 months” substitute “1 month”.

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(1) 1981 c. 67.

(2) Section 4A was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

(3) Subsection (1B) of section 11 was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016.

- (6) In Section 11A(4) (powers of entry: further notices of entry)—
- (a) in sub-section 1(a), after “land” insert “under that provision”,
  - (b) in subsection (2), after “land” insert “under that provision”.

(7) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 11 (time limit for exercise of powers of acquisition) of the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020”.

- (8) In Schedule 2A(5)(counter-notice requiring purchase of land not in notice to treat)—
- (a) omit paragraphs 1(2) and 14(2); and
  - (b) after paragraph 29 insert—

## “PART 4

### INTERPRETATION

**30.** In this Schedule, references to entering and taking possession of land do not include doing so under article 7 (temporary use of land for construction of works) and article 8 (temporary use of land for maintenance of works) of the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020.”

#### **Application of the 1981 Act**

- 5.—**(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 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.
- (4) Omit section 5A(6) (time limit for general vesting declaration).
- (5) In section 5B(7) (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 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 11 (time limit for exercise of powers of acquisition) of the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020”.
- (6) In section 6(8) (notices after execution of declaration), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 14A of the Transport and Works Act 1992”.
- (7) In section 7(9)(constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”;
- (8) (1) In Schedule A1(10)(counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).

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(4) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

(5) Schedule 2A was inserted by paragraph 3 of Schedule 3 to the Housing and Planning Act 2016.

(6) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.

(7) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.

(8) Section 6 was 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.

(9) Section 7 was amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016.

(10) Schedule A1 was inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.

(9) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land by article 4 (application of Part 1 of the 1965 Act).

**Power to acquire new rights**

6.—(1) The Executive may acquire compulsorily such easements or other rights over any land—

- (a) referred to in article 3 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence; or
- (b) within the Order limits specified in column (2) of Part 2 (acquisition of rights only) of Schedule 1 (acquisition of land and rights) as may be required for the purposes specified in relation to that land in column (3) of that Part of that Schedule.

(2) Subject to Schedule 2A (counter-notice requiring purchase of land) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 2 (modification of compensation and compulsory purchasing enactments for creation of new rights) where the Executive acquires a right over land under paragraph (1) the Executive is not required to acquire a greater interest in the land.

(3) In any case where the acquisition of new rights under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the Executive may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.

(4) Schedule 2 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this Order of a right over land by the creation of a new right.