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## STATUTORY INSTRUMENTS

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# 2020 No. 325

## The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020

### PART 5

#### POWERS OF ACQUISITION

##### Compulsory acquisition of rights

**18.**—(1) The undertaker may create and acquire compulsorily the rights in, under or over the Order land and impose the restrictions affecting the Order land described in the book of reference and shown on the land plans.

(2) Subject to section 8 (other provisions as to divided land) and Schedule 2A (counter-notice requiring purchase of land not in notice to treat) of the 1965 Act <sup>M1</sup> (as substituted by paragraph 5(8) of Schedule 4 (modification of compensation and compulsory purchase enactments for creation of new rights)) and section 12 of the 1981 Act (divided land) <sup>M2</sup>, where the undertaker creates or acquires a right over land under paragraph (1), the undertaker is not required to acquire a greater interest in that land.

(3) Schedule 4 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 article of a right in, under or over land by the creation of a new right or imposition of a restriction.

(4) In any case where the creation and acquisition of rights or the imposition of a restriction under paragraph (1) is required for the purposes of diverting, replacing or protecting the apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to create and acquire such rights or impose such restrictions to the statutory undertaker in question.

(5) The exercise by a statutory undertaker of any power pursuant to a transfer under paragraph (4) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(6) Subject to the modifications set out in Schedule 4 of the 1965 Act the enactments for the time being in force with respect to compensation for the compulsory purchase of land are to apply in the case of a compulsory acquisition under this Order in respect of a right by the creation of a new right as they apply to the compulsory purchase of land and interests in land.

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##### Commencement Information

**II** Art. 18 in force at 14.4.2020, see [art. 1](#)

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##### Marginal Citations

**M1** [Section 8](#) was amended and Schedule 2A substituted by the Housing and Planning Act 2016 [c.22](#), [section 199\(1\)](#) and Schedule 17, paragraphs 1 and 2 and by [S.I.2009/1307](#).

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**Changes to legislation:** There are currently no known outstanding effects for the The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, Section 18. (See end of Document for details)

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**M2** [Section 12](#) was amended by the Housing and Planning Act 2016, Schedule 18, paragraphs 1 and 5.

**Changes to legislation:**

There are currently no known outstanding effects for the The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, Section 18.