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STATUTORY INSTRUMENTS

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**2020 No. 547**

**The Cleve Hill Solar Park Order 2020**

**PART 7**

**MISCELLANEOUS AND GENERAL**

**Funding**

**39.**—(1) The undertaker must not exercise the powers conferred by the provisions referred to in paragraph in relation to any Order land unless it has first put in place either—

- (a) a guarantee and the amount of that guarantee approved by the Secretary of State in respect of the liabilities of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) [<sup>F1</sup>in relation to that land]; or
- (b) an alternative form of security and the amount of that security for that purpose approved by the Secretary of State in respect of the liabilities of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) [<sup>F2</sup>in relation to that land].

(2) The provisions are—

- (a) article 16 (compulsory acquisition of land);
- (b) article 18 (compulsory acquisition of rights);
- (c) article 19 (private rights);
- (d) article 21 (acquisition of subsoil only);
- (e) article 23 (rights under or over streets);
- (f) article 24 (temporary use of land for carrying out the authorised development);
- (g) article 25 (temporary use of land for maintaining the authorised development); and
- (h) article 26 (statutory undertakers).

(3) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) is to be treated as enforceable against the guarantor or person providing the alternative form of security by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(4) Nothing in this article requires a guarantee or alternative form of security to be in place for more than 15 years after the date on which the relevant power is exercised.

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**Textual Amendments**

**F1** Words in art. 39(1)(a) inserted (11.8.2021) by [The Cleve Hill Solar Park \(Correction\) Order 2021 \(S.I. 2021/934\)](#), art. 1(2), [Sch.](#)

**F2** Words in art. 39(1)(b) inserted (11.8.2021) by [The Cleve Hill Solar Park \(Correction\) Order 2021 \(S.I. 2021/934\)](#), art. 1(2), [Sch.](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, Section 39. (See end of Document for details)*

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**Commencement Information**

**II** Art. 39 in force at 19.6.2020, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, Section 39.