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## STATUTORY INSTRUMENTS

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# 2020 No. 847

## The Immingham Open Cycle Gas Turbine Order 2020

### PART 5

#### POWERS OF ACQUISITION

##### Application of the 1981 Act

- 23.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) [<sup>F1</sup>The 1981 Act], as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of Act) for subsection 2 there is substituted—
- “(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(2) (earliest date for execution of declaration), omit the words from “, and this subsection” to the end.
- (5) Omit section 5A (time limit for general vesting declaration).
- (6) In section 5B(1) (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 of the 2008 Act (legal challenges relating to applications for orders granting development consent), the five year period mentioned in article 20 (time limit for exercise of authority to acquire land compulsorily) of the Immingham Open Cycle Gas Turbine Order 2020 ”.
- (7) In section 6 (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 (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 (counter-notice requiring purchase of land not in general vesting declaration), for paragraph 1(2) substitute—
- “(2) But see article 24(3) (acquisition of subsoil only) of the Immingham Open Cycle Gas Turbine Order 2020, which excludes the acquisition of subsoil only from this Schedule.”
- (10) References to the 1965 Act in [<sup>F2</sup>the 1981 Act] must be construed as references to that Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (as modified by article 25 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

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#### Textual Amendments

- F1** Words in art. 23(2) substituted (17.5.2021) by [The Immingham Open Cycle Gas Turbine \(Correction\) Order 2021 \(S.I. 2021/581\)](#), art. 1, [Sch.](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Immingham Open Cycle Gas Turbine Order 2020, Section 23. (See end of Document for details)*

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**F2** Words in art. 23(10) substituted (17.5.2021) by [The Immingham Open Cycle Gas Turbine \(Correction\) Order 2021 \(S.I. 2021/581\)](#), art. 1, **Sch.**

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**Commencement Information**

**I1** Art. 23 in force at 1.9.2020, see art. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Immingham Open Cycle Gas Turbine Order 2020, Section 23.