
STATUTORY INSTRUMENTS

2024 No. 230

The Medworth Energy from Waste Combined
Heat and Power Facility Order 2024

PART 2

PRINCIPAL POWERS

Security in respect of payment of compensation

9.—(1) The undertaker must not begin to exercise the powers conferred by the provisions referred to in paragraph (2) in relation to any part of the Order land unless it has first put in place, following approval by the Secretary of State, either—

- (a) a guarantee in respect of the liabilities of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) in respect of the exercise of the relevant provision in relation to that part of the Order land; or
- (b) an alternative form of security in respect of the liabilities of the undertaker to pay compensation pursuant to the provisions referred to in paragraph (2) in respect of the exercise of the relevant provision in relation to that part of the Order land.

(2) The provisions are—

- (a) article 23 (compulsory acquisition of land);
- (b) article 25 (compulsory acquisition of rights and imposition of restrictive covenants);
- (c) article 26 (acquisition of subsoil only);
- (d) article 27 (private rights);
- (e) article 28 (power to override easements and other rights);
- (f) article 31 (rights under or over streets);
- (g) article 32 (temporary use of land for the construction of the authorised development);
- (h) article 33 (temporary use of land for maintaining the authorised development); and
- (i) article 34 (statutory undertakers).

(3) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under this Order 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.