



Channel Tunnel Rail Link Act 1996

1996 CHAPTER 61

PART III

MISCELLANEOUS AND GENERAL

47 Time limit for powers of compulsory acquisition

- (1) After the end of the period of 5 years beginning with the day on which this Act is passed—
 - (a) no notice to treat shall be served under Part I of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) or 45(1) above, and
 - (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 45(5) above or paragraph 4 of Schedule 4 to this Act.
- (2) The Secretary of State may by order extend the period under subsection (1) above in relation to any land.
- (3) An order under subsection (2) above shall be subject to special Parliamentary procedure.

48 Power to acquire land by reference to combined effect of works

- (1) The Secretary of State may acquire by agreement land the enjoyment of which is, or will in his opinion be, seriously affected by the combined effect of—
 - (a) the carrying out of works for the construction of any of the rail link works or the use of any of those works, and
 - (b) the carrying out of works for the construction of any of the A2 and M2 improvement works or the use of any of those works,if the interest of the vendor is a qualifying interest.

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- (2) Subsection (1) above shall not apply in relation to land which may be acquired, by reference to the A2 and M2 improvement works, under section 246(2) or (2A) of the Highways Act 1980.
- (3) Subsection (1) above shall not apply in relation to an interest which is the subject of a claim for compensation under Part I of the Land Compensation Act 1973 (compensation for depreciation caused by use of public works).
- (4) The power conferred by subsection (1) above—
 - (a) so far as exercisable by reference to the carrying out of works for the construction of any work, shall only be exercisable if the acquisition is begun before the work's opening date, and
 - (b) so far as exercisable by reference to the use of any work, shall only be exercisable if the acquisition is begun before the end of one year after the work's opening date.
- (5) For the purposes of subsection (4) above—
 - (a) the acquisition of any land shall be treated as begun when the agreement for its acquisition is made, and
 - (b) a work's opening date is—
 - (i) in the case of a work consisting of a highway, the date on which it is first opened to public traffic, and
 - (ii) in the case of any other work, the date on which it is first used after completion.
- (6) In this section—
 - “qualifying interest” has the meaning given in section 149(2) of the Town and Country Planning Act 1990, taking references to the relevant date as references to the date on which the purchase agreement is made; and
 - “rail link works” means the scheduled works, so far as relating to the rail link.

49 Noise insulation regulations: procedure

Section 20 of the Land Compensation Act 1973 (sound-proofing of buildings affected by public works) shall have effect, in relation to regulations under that section which relate only to noise caused or expected to be caused by the construction or use of works authorised by this Act, with the substitution for subsection (9) of—

“(9) An instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

50 Overhead lines

- (1) Section 37(1) of the Electricity Act 1989 (which requires the consent of the Secretary of State to overhead lines) shall not apply in relation to any electric line which—
 - (a) for the purposes of or in connection with the exercise of any of the powers conferred by Part I of this Act with respect to works, or
 - (b) in pursuance of any provision of Schedule 15 to this Act,
 is installed above land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used.

- (2) Schedule 14 to this Act (which makes alternative provision for consent in relation to lines to which subsection (1) above applies) shall have effect.
- (3) On the revocation or expiry of consent under Schedule 14 to this Act, the line to which the consent relates shall cease to be a line to which subsection (1) above applies.
- (4) On granting consent under Schedule 14 to this Act to electricity undertakers, the appropriate Ministers may direct that planning permission shall be deemed to be granted for the carrying out of development to which the consent relates, subject to such conditions (if any) as may be specified in the direction.
- (5) In subsection (4) above—
 - (a) “electricity undertakers” means the holder of a licence under section 6 of the Electricity Act 1989, and
 - (b) the reference to the appropriate Ministers is to the Secretary of State for Trade and Industry and the Secretary of State for Transport acting jointly.

51 Replacement concrete batching facilities at St. Pancras

- (1) Planning permission shall be deemed to be granted under Part III of the Town and Country Planning Act 1990 for the construction of concrete batching facilities on land at St. Pancras in London within the relevant limits.
- (2) The planning permission deemed by subsection (1) above to be granted shall be deemed to be granted subject to a condition specifying the siting, design, external appearance and landscaping of the development as reserved matters for the subsequent approval of the local planning authority.
- (3) Section 10 above shall apply in relation to the planning permission deemed by subsection (1) above to be granted as it applies in relation to the planning permission deemed by subsection (1) of section 9 above to be granted, so far as relating to development to which subsection (2) or (4) of that section applies.
- (4) The carrying out or maintenance of any work on land within the relevant limits is authorised by virtue of this section if it is done in accordance with the planning permission deemed by subsection (1) above to be granted, notwithstanding that it involves—
 - (a) interference with an interest or right to which subsection (5) below applies, or
 - (b) a breach of a restriction as to the user of land by virtue of a contract.
- (5) The interests and rights to which this subsection applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right of support.
- (6) In respect of any interference or breach in pursuance of subsection (4) above, compensation shall be—
 - (a) payable under section 7 or 10 of the Compulsory Purchase Act 1965, and
 - (b) assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where—
 - (i) the compensation is to be estimated in connection with a purchase under that Act, or

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(ii) the injury arises from the execution of works on land acquired under that Act.

- (7) Nothing in subsection (4) above shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in that subsection.
- (8) In this section, references to the relevant limits are to the limits of land for concrete batching facilities which are shown on the deposited plans.

52 Protection of interests

- (1) Schedule 15 to this Act shall have effect for protecting the interests of the bodies and persons specified in that Schedule (being bodies and persons who may be affected by other provisions of this Act).
- (2) The provisions of Schedule 15 to this Act shall be treated for the purposes of Part I of this Act as provisions of that Part.

53 Correction of deposited plans

- (1) If the deposited plans or the book of reference to those plans are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Secretary of State, after giving not less than 10 days' notice to the owners and occupiers of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction of the plans or book of reference.
- (2) If on such an application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, the justices shall certify accordingly and shall in their certificate state in what respect a matter is misstated or wrongly described.
- (3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy of it in the Private Bill Office of the House of Commons and with the proper officer of each county council or London borough council in whose area the land to which the certificate relates is situated, and thereupon the deposited plans or book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Secretary of State, in accordance with the certificate, to proceed under this Act as if the deposited plans or book of reference had always been in the corrected form.
- (4) A copy certificate deposited under subsection (3) above shall be kept with the documents to which it relates.
- (5) A justice of the peace may act under this section in relation to land which is partly in one area and partly in another if he may act as respects land in either area.
- (6) In this section, "book of reference" means the book deposited in connection with the Channel Tunnel Rail Link Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons in November 1994 together with the books so deposited in November and December 1995.

54 Service of documents

- (1) Any document required or authorised to be served on any person under this Act may be served—
 - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
 - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary of that body, or
 - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
 - (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (3) If a person to be served under this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of section 7 of the Interpretation Act 1978 in its application to this section.
- (4) Where a document is required or authorised to be served under this Act on a person in his capacity as the owner of an interest in, or occupier of, any land and his name or address cannot be ascertained after reasonable enquiry, the document may be served by addressing it to him by name or by the description of “owner” or “occupier”, as the case may be, of the land and—
 - (a) leaving it with a person who is, or appears to be, resident or employed on the land, or
 - (b) leaving it conspicuously affixed to some building or object on or near the land.
- (5) In this section “secretary”, in relation to a local authority within the meaning of the Local Government Act 1972, means the proper officer within the meaning of that Act.

55 Financial provision

There shall be paid out of money provided by Parliament any expenditure of the Secretary of State under this Act.

56 Interpretation

- (1) In this Act, except where the context otherwise requires—

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“A2 and M2 improvement works” has the meaning given by section 44(1) above;

“bridleway”, “carriageway”, “cycle track”, “footpath”, “footway”, “highway”, “highway authority” and “local highway authority” have the same meanings as in the Highways Act 1980;

“burial ground” means a churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment;

“deposited plans” and “deposited sections” mean respectively the following plans and sections deposited in connection with the Channel Tunnel Rail Link Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons, namely—

- (a) the plans and sections shown on Sheets Nos. 1 to 6 and 9 to 24 of the plans and sections deposited in November 1995 in connection with the Barking Extended Tunnel,
- (b) the plans and sections deposited in November 1995 otherwise than in connection with the Barking Extended Tunnel,
- (c) the plans and sections deposited in December 1995, and
- (d) the plans and sections deposited in November 1994, so far as not superseded by the plans and sections mentioned in paragraphs (a) to (c) above;

“development agreement” means an agreement (including one entered into before the passing of this Act) to which the Secretary of State is a party and under which another party has responsibilities in relation to the design, construction, financing or maintenance of the rail link;

“limits of deviation” means the limits of deviation which are shown on the deposited plans;

“limits of land to be acquired or used” means the limits of land to be acquired or used which are shown on the deposited plans;

“owner” has the same meaning as in the Acquisition of Land Act 1981;

“rail link” means—

- (a) the railway between St. Pancras, in London, and the Channel Tunnel portal at Castle Hill, Folkestone, in Kent, authorised to be constructed by section 1(1) above, together with its associated works, facilities and installations, and
- (b) the railway comprised in Works Nos. 11, 11A and 11B (which connects the railway mentioned in paragraph (a) above with the Chatham to Victoria Line), together with its associated works, facilities and installations;

“rail link undertaker” means a person who, under section 34 above, is the nominated undertaker for any purpose of section 1(1) or 14(1) above, so far as relating to the rail link;

“scheduled works” has the meaning given by section 1(1) above; and

“scheduled works agreement” means an agreement relating to the design, construction, financing, maintenance or operation of any of the scheduled works.

- (2) References in this Act to the nominated undertaker shall be read in accordance with section 34 above.

(3) In this Act—

- (a) a reference to a highway or any other place identified by letters and numbers is a reference to the highway or place shown as such on the deposited plans,
- (b) a reference to a work identified by a number (or a number and a letter) is a reference to the scheduled work or, as the case may be, the A2 and M2 improvement work of that number (or number and letter),
- (c) references to specified distances shall be construed as if the words “or thereabouts” were inserted after each such distance, distances between points on a road or railway being measured along the centre line of the road or railway.

57 Short title

This Act may be cited as the Channel Tunnel Rail Link Act 1996.