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STATUTORY INSTRUMENTS

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**2005 No. 8**

The East Midlands Parkway Station  
(Land Acquisition) Order 2005

PART 2

ACQUISITION AND POSSESSION OF LAND

*Powers of Acquisition*

**Power to acquire land**

3.—(1) The Company may acquire compulsorily so much of the land shown on the land plan within the limits of land to be acquired and described in the book of reference as may be required for or in connection with the provision of the East Midlands Parkway Station and it may use any land so acquired for those purposes or for any other purposes connected with or ancillary to its railway undertaking.

(2) This article is subject to article 6(8).

**Application of Part I of the Compulsory Purchase Act 1965**

4.—(1) Part I of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies, and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part I of the 1965 Act, as so applied, shall have effect as if —

- (a) section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted, and
- (b) in section 11(1) (which confers power to enter on and to take possession of land subject to a notice to treat on giving not less than 14 days' notice) for the reference to 14 days' notice there were substituted—
  - (i) in a case where the notice to treat relates only to the acquisition of an easement or other right over the land, a reference to notice of one month, or
  - (ii) in any other case, a reference to notice of 3 months.

**Powers to acquire new rights**

5.—(1) The Company may compulsorily acquire such easements or other rights over any land referred to in paragraph (1) of article 3 as may be required for any purpose for which that land may

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(1) 1981 c. 67.

be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 1 to this Order), where the Company acquires a right over land under paragraph (1) it shall not be required to acquire a greater interest in it.

(3) Schedule 1 to this Order shall have 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 over land by the creation of a new right.

### **Temporary use of land**

6.—(1) The Company may, in connection with provision of the East Midlands Parkway Station—

- (a) enter upon and take temporary possession of so much of the land shown on the land plan within the limits of land to be temporarily used and described in the book of reference as may be required for the purposes of the provision of a working site storage for materials and equipment and access for construction purposes, and
- (b) remove any buildings and vegetation from that land.

(2) Not less than 28 days before entering upon and taking temporary possession of land under this article the Company shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The Company may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the East Midlands Parkway Station.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Company shall not be required to replace a building removed under this article.

(5) The Company shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.

(7) Without prejudice to article 16, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the land referred to in paragraph (1) except that the Company shall not be precluded from acquiring new rights over any part of that land under article 5.

(9) Where the Company takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) In this article "building" includes structure or any other erection.