
STATUTORY INSTRUMENTS

2005 No. 927

**The Midland Metro (Wednesbury to Brierley Hill
and Miscellaneous Amendments) Order 2005**

PART 3

ACQUISITION AND POSSESSION OF LAND

Temporary possession of land

Temporary use of land for carrying out of accommodation and mitigation works

36.—(1) The Executive may, in relation to any of the land in Dudley shown numbered 560 to 565, 729 and 730 on the land plans and the land in Sandwell shown numbered 503, 535 to 537, 545, 546, 631, 704 and 705 on those plans, enter upon and take temporary possession of the land and carry out any such works on or with respect to it as are referred to in article 6(3)(g) and (h).

(2) The works carried out under paragraph (1) are in the following provisions of this article referred to as “the accommodation works”.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the Executive shall serve notice of the intended entry on the owners and occupiers of the land, together with a specification and description of the accommodation works that the Executive intends to carry out on the land.

(4) Any person on whom a notice has been served under paragraph (3) may, by serving a counter notice within the period of 21 days beginning with the day on which the notice was served on him, require the question whether the accommodation works should be carried out to be referred to arbitration under article 57.

(5) The Executive may not remain in possession of any land under this article after the completion of the accommodation works for which possession was taken; but it may upon not less than 14 days' notice served on the occupier of the land, enter thereafter for the purpose of inspecting and remedying any defects in the accommodation works.

(6) The Executive shall pay compensation to the owners and occupiers of any 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.

(7) Where the carrying out of the accommodation works has mitigated the amount of any loss or damage arising from the carrying out of any of the other works authorised by this Order, that mitigation of loss or damage shall be taken into account in calculating the compensation (if any) payable under this Order or any other enactment in respect of that loss or damage.

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

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