
STATUTORY INSTRUMENTS

2013 No. 1933

The Leeds Railway Station (Southern Entrance) Order 2013

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

21.—(1) The promoter may acquire compulsorily—

- (a) so much of the land shown on the deposited plans within the limits of deviation as land to be acquired compulsorily and described in the book of reference as may be required for the purposes of the authorised works; and
- (b) so much of the land specified in columns (1) and (2) of Schedule 2 (acquisition of certain lands for ancillary works) (being land shown on the deposited plans and described in the book of reference) as may be required for the purpose specified in relation to that land in column (3) of that Schedule,

and may use any land so acquired for those purposes or for any other purposes that are ancillary to the promoter's undertaking.

(2) This article is subject to article 25 (new rights only to be acquired in certain lands) and article 27 (temporary use of land for construction of works).

Commencement Information

I1 Art. 21 in force at 22.8.2013, see [art. 1](#)

Application of Part 1 of the 1965 Act

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

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

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if 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.

Commencement Information

I2 Art. 22 in force at 22.8.2013, see [art. 1](#)

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

23.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(1) applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) there is substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” there is substituted “(1)” and after “given” there is inserted “and published”.

(5) In that section, for subsections (5) and (6) there is substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

(7) In section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.

(8) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land under article 21 (power to acquire land).

Commencement Information

I3 Art. 23 in force at 22.8.2013, see [art. 1](#)

Power to acquire new rights

24.—(1) The promoter may acquire compulsorily—

- (a) such easements or other rights over any land referred to in paragraph (1)(a) or (b) of article 21 (power to acquire land), or
- (b) impose restrictive covenants affecting any such land referred to in paragraph (1)(a) of article 21,

as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights or imposition of restrictive covenants) has 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 or the imposition of a restrictive covenant.

(3) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 8), where the promoter acquires a right or the benefit of a restrictive covenant over land under paragraph (1) the promoter is not required to acquire a greater interest in that land.

Commencement Information

I4 Art. 24 in force at 22.8.2013, see [art. 1](#)

New rights only to be acquired in certain lands

25.—(1) In the case of the land specified in Schedule 9 (acquisition of new rights only) the promoter’s powers of compulsory acquisition under article 21 (power to acquire land) are limited to the acquisition of such easements or other new rights in the land as it may require for the purposes of—

- (a) the acquisition of rights over land to provide station access; and
- (b) the creation and acquisition of easements or other rights over land for the purpose of or in connection with the construction or maintenance of the authorised works including the passage of persons or vehicles (with or without materials, plant and machinery) over that land for the purposes of the authorised works or for purposes ancillary to the authorised works.

(2) Where the promoter acquires easements or other new rights in the land specified in Schedule 9, article 24 (power to acquire new rights) applies as it applies to the acquisition of a new right under that article.

(3) In this article “station access” means the provision of pedestrian access for train passengers and visitors to Leeds Railway Station to and from the scheduled works from Wharf Approach in the City of Leeds.

Commencement Information

I5 Art. 25 in force at 22.8.2013, see [art. 1](#)

Rights under or over streets

26.—(1) The promoter may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the subsoil or air-space for those purposes or any other purpose ancillary to its railway undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the promoter being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the promoter acquiring any part of that person’s interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Commencement Information

I6 Art. 26 in force at 22.8.2013, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Leeds Railway Station (Southern Entrance) Order 2013, Cross Heading: Powers of acquisition.