
STATUTORY INSTRUMENTS

2022 No. 853

The Sizewell C (Nuclear Generating Station) Order 2022

PART 2

PRINCIPAL POWERS

Enforcement of the Deed of Obligation

10.—(1) The terms of the Deed of Obligation are enforceable by injunction.

(2) Without prejudice to paragraph (1), if there is a breach of a requirement in the Deed of Obligation to carry out any operations in, on, under or over the land to which the requirement relates, East Suffolk Council or Suffolk County Council may—

- (a) enter the land and carry out the operations, and
- (b) recover from the undertaker any expenses reasonably incurred by them in so doing.

(3) Before exercising their power under paragraph 2(a) East Suffolk Council or Suffolk County Council shall give not less than twenty-one days' notice of their intention to do so to any owner or occupier of the land.

(4) Following receipt of the notice given in accordance with paragraph (3) in relation to land in its possession, the undertaker shall not refuse or hinder entry to such land by East Suffolk Council or Suffolk County Council provided that such entry is in accordance with any reasonable requirements of the undertaker.

(5) If entry to the land by East Suffolk Council or Suffolk County Council is refused or hindered by the undertaker, the owner or occupier, they may issue a warrant to—

- (a) the sheriff, or
- (b) the enforcement officer,

to allow entry to it by the person appointed in the warrant to receive it.

(6) On receipt of the warrant the person to whom it is issued shall allow entry to the land accordingly.

(7) If, by virtue of paragraph 3A of Schedule 7 to the Courts Act 2003, the warrant is issued to two or more persons collectively, the duty in paragraph 5 of Schedule 7 to the Courts Act 2003 shall apply to the person to whom the warrant is allocated in accordance with the approved arrangements mentioned in that Schedule.

(8) The Deed of Obligation shall be a local land charge in respect of all freehold or leasehold interests in land owned by the undertaker within the Order limits and for the purposes of the Local Land Charges Act 1975 the authority by whom the obligation is enforceable shall be treated as the originating authority as respects such a charge.

(9) In this article—

“undertaker” means the undertaker authorised to construct or operate the main platform works, being the undertaker bound by the Deed of Obligation;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“the enforcement officer”, in relation to a warrant to under this article, means the officer or officers identified for that purpose in paragraph 3A of Schedule 7 to the Courts Act 2003; and “sheriff” includes an under sheriff or other legally competent deputy, and means the sheriff for the area where the land is situated, or if land in one ownership is not situated wholly in one such area the sheriff for the area where any part of the land is situated.