STATUTORY INSTRUMENTS

2005 No. 1794

The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005

PART 3

ACQUISITION AND POSSESSION OF LAND

Supplementary

Extinction or suspension of rights of way

35.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

   (a) as from the acquisition of the land by the Executive, whether compulsorily or by agreement; or

   (b) on the entry on the land by the Executive under section 11(1) or (2) of the 1965 Act;

whichever is sooner.

(2) All private rights of way over land of which the Executive takes temporary possession under this Order shall be suspended and unenforceable for as long as the Executive remains in lawful possession of the land.

(3) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(4) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers etc.) applies.

(5) Paragraphs (1) and (2) shall have effect subject to any agreement made (whether before or after this Order comes into force) between the Executive and the person entitled to the private right of way.

(6) Paragraph (1) shall have effect subject to any notice given by the Executive that that paragraph shall not apply to any right of way specified in the notice where the notice is given before whichever is the soonest of the events specified in sub-paragraphs (a) or (b) of that paragraph.

(7) Paragraph (2) shall have effect subject to any notice given by the Executive at any time before or after possession is taken that that paragraph shall not apply to any right of way specified in the notice or shall only apply to the right of way to the extent specified in the notice.

(8) This article does not apply to any of the land specified in column (1) of Part 2 of Schedule 2 to this Order.