
STATUTORY INSTRUMENTS

2010 No. 1721

The Network Rail (Nuneaton North Chord) Order 2010

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

16. Network Rail may acquire compulsorily so much of the land shown on the Order plans within the Order limits and described in the book of reference—

- (a) as is specified in Part 1 of Schedule 4 (acquisition of land for construction of the authorised works) and as may be required for the purposes of the authorised works; and
- (b) as is specified in columns (1) and (2) of Part 2 of Schedule 4 (acquisition of land for specified purposes), and as may be required for any purpose specified in relation to that land in column (3) of that Part,

and may use any land so acquired for the purposes of, or for any other purposes that are ancillary to, its railway undertaking as existing from time to time.

Application of Part 1 of the Compulsory Purchase Act 1965

17.—(1) Part 1 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 made under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), shall have 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 giving of bonds, were omitted.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

18.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(2) shall apply as if this Order were a compulsory purchase order.

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

- (3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

(1) 1981 c. 67.
(2) 1981 c. 66.

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority shall 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 shall be substituted “(1)” and after “given” there shall be inserted “and published”.

(5) In that section, for subsections (5) and (6) there shall be 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 shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) shall be 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)” shall be omitted.

(8) References to the 1965 Act shall be construed as references to that Act as applied to the acquisition of land under article 16 (power to acquire land).

Power to acquire new rights

19.—(1) Network Rail may acquire compulsorily such easements or other rights over any land which it is authorised to acquire under the powers conferred by article 16 (power to acquire land) 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) Without prejudice to paragraph (1), Network Rail may acquire compulsorily over any of the land specified in columns (1) and (2) of Schedule 5 (acquisition of rights, etc.) such temporary or permanent easements or other rights as it requires for the purposes mentioned in relation to that land in column (3) of that Schedule.

(3) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)), where Network Rail acquires a right over land under paragraph (1) Network Rail shall not be required to acquire a greater interest in that land.

(4) Schedule 6 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.