

---

STATUTORY INSTRUMENTS

---

**2018 No. 937**

**The Network Rail (Felixstowe Branch Line  
Improvements – Level Crossings Closure) Order 2018**

**PART 3**

**ACQUISITION OF LAND**

*Powers of acquisition*

**Power to acquire land**

**10.**—(1) Network Rail may acquire compulsorily—

- (a) so much of the land shown on the deposited plans which is 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 purposes 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 ancillary to its undertaking.

(2) This article is subject to article 13 (power to acquire new rights) and article 14 (temporary use of land for construction of works).

**Application of Part 1 of the 1965 Act**

**11.**—(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 Acquisition of Land Act 1981<sup>(1)</sup> applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as so applied, has effect with the following modifications.

(3) Omit section 4 (which provides a time limit for compulsory purchase of land).

(4) In section 4A(1)(2) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4”, substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 18 (time limit

---

(1) 1981 c. 67.

(2) Inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

for exercise of powers of acquisition) of the Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018**(3)**”.

(5) In section 11(1B)**(4)** (powers of entry), in a case where the notice to treat relates only to the acquisition of an easement or other right over land, for “3 months” substitute “1 month”.

(6) In section 11A**(5)** (powers of entry: further notices of entry)—

(a) in subsection (1)(a), after “land” insert “under that provision”;

(b) in subsection (2), after “land” insert “under that provision”.

(7) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 18 (time limit for exercise of powers of acquisition) of the Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018”.

(8) In Schedule 2A**(6)** (counter-notice requiring purchase of land not in notice to treat)—

(a) omit paragraphs 1(2) and 14(2); and

(b) after paragraph 29, insert—

## “PART 4

### INTERPRETATION

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under article 14 (temporary use of land for construction of works) of the Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018.”

#### **Application of the 1981 Act**

**12.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.

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

(3) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.

(4) Omit section 5A**(7)** (time limit for general vesting declaration).

(5) In section 5B(1)**(8)** (extension of time limit during challenge) for “section 23 of the Acquisition of Land 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 18 (time limit for exercise of powers of acquisition) of the Network Rail (Felixstowe Branch Line Improvements – Level Crossings Closure) Order 2018”.

(6) In section 6**(9)** (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 14A**(10)** of the Transport and Works Act 1992”.

---

(3) [S.I. 2018/937](#).

(4) Subsection (1B) of section 11 was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016.

(5) Inserted by section 186(3) of the Housing and Planning Act 2016.

(6) As inserted by section 199(1) of, and paragraphs 1 and 3 of Schedule 17 to, the Housing and Planning Act 2016.

(7) Inserted by section 182(2) of the Housing and Planning Act 2016.

(8) Inserted by section 202(2) of the Housing and Planning Act 2016.

(9) As amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.

(10) Inserted by [S.I. 2017/16](#).

(7) In section 7(11) (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(8) In Schedule A1(12) (counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).

(9) References to the 1965 Act are to be construed as references to that Act as applied to the acquisition of land under article 10 (power to acquire land).

### **Power to acquire new rights**

**13.**—(1) Network Rail may acquire compulsorily such easements or other rights over any land referred to in paragraph (1) of article 10 (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) In the case of the land specified in columns (1) and (2) of Schedule 7 (land in which only new rights may be acquired) Network Rail’s powers of compulsory acquisition are limited to the acquisition of such new rights as may be required for the purpose specified in relation to that land in column (3) of that Schedule.

(3) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights)) where Network Rail acquires a right over land under paragraph (1) or (2) Network Rail is not required to acquire a greater interest in that land.

(4) Schedule 8 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.

---

(11) As amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016.

(12) As inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016 (c. 22).