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STATUTORY INSTRUMENTS

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**2018 No. 937**

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

**PART 3**

**ACQUISITION OF LAND**

*Supplementary*

**Extinction of private rights of way**

**17.—**(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by Network Rail, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by Network Rail under section 11(1) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by Network Rail and required for the purposes of this Order are extinguished on the appropriation of the land for any of those purposes by Network Rail.

(3) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under

(4) .

(5) This article does not apply in relation to any right of way to which section 271 or 272(1) (extinguishment of rights of statutory undertakers etc.) of the 1990 Act applies.

(6) Paragraphs (1) to (3) have effect subject to—

(a) any notice given by Network Rail before—

- (i) the completion of the acquisition of the land;
- (ii) Network Rail's appropriation of it; or
- (iii) Network Rail's entry on to it,

that any or all of those paragraphs do not apply to any right of way specified in the notice; and

(b) any agreement made at any time between Network Rail and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (5)(b)—

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- (a) is made with a person in or to whom the right of way is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

**Time limit for exercise of powers of acquisition**

**18.**—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 11 (application of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 12 (application of the 1981 Act).

(2) The powers conferred by article 14 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents Network Rail remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.