

SCHEDULES

SCHEDULE 13

PROTECTIVE PROVISIONS

PART 1

FOR PROTECTION OF RAILWAY INTERESTS

- 4.—(1) The undertaker must not exercise the powers conferred by—
- (a) article 5 (authorisation of use);
 - (b) article 6 (maintenance of the authorised development);
 - (c) article 12 (public rights of way – creation, substitution and stopping up);
 - (d) article 13 (accesses);
 - (e) article 22 (authority to survey and investigate the land);
 - (f) article 24 (compulsory acquisition of land);
 - (g) article 25 (compulsory acquisition of rights);
 - (h) article 26 (private rights);
 - (i) article 27 (power to override easements and other rights);
 - (j) article 32 (statutory undertakers and operators of the electronic communications code network);
 - (k) article 34 (temporary use of land for carrying out the authorised development);
 - (l) article 35 (temporary use of land for maintaining the authorised development);
 - (m) article 38 (operation and use of railways);
 - (n) article 42 (felling or lopping of trees and removal of hedgerows),

or the powers conferred by section 11(3) (powers of entry) of the 1965 Act in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not, in the exercise of the powers conferred by this Order, prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 or 272(1) of the 1990 Act or, article 32, in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers conferred by this Order acquire or use or acquire new rights over any railway property except with the consent Network Rail.

(5) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions.

(1) Section 272 was amended by paragraph 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

Changes to legislation: There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, Paragraph 4. (See end of Document for details)

Commencement Information

II Sch. 13 Pt. 1 para. 4 in force at 30.10.2019, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, Paragraph 4.