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STATUTORY INSTRUMENTS

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**2021 No. 299**

**The Network Rail (Ferryboat Lane Footbridge  
Reconstruction) (Land Acquisition) Order 2021**

**PART 2**

**ACQUISITION AND POSSESSION OF LAND**

*Powers of acquisition*

**Power to acquire land**

**3.** Network Rail may acquire compulsorily so much of the land shown numbered 3 and 5 on the deposited plan and described in the book of reference as may be required for the purposes of the development and may use any land so acquired for those purposes, or for any other purposes that are ancillary to its railway undertaking as existing from time to time.

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

**4.—(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(1) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

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

(3) Omit section 4(2) (time limit for giving notice to treat).

(4) In section 4A(1)(3) (extension of time limit during challenge), for “section 23 of the Acquisition of Land Act 1981 (application to the 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 10 (time limit for exercise of powers of acquisition) of the Network Rail (Ferryboat Lane Footbridge Reconstruction) (Land Acquisition) Order 2021”.

(5) In section 11A(4) (powers of entry: further notices of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”; and
- (b) in subsection (2), after “land” insert “under that provision”.

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(1) 1981 c. 67.

(2) Section 4 was inserted by section 182(1) of the Housing and Planning Act 2016 (c. 22).

(3) Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016.

(4) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

(6) 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 10 (time limit for exercise of powers of acquisition) of the Network Rail (Ferryboat Lane Footbridge Reconstruction) (Land Acquisition) Order 2021”.

(7) In Schedule 2A(5) (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 6 (temporary use of land in connection with the development) of the Network Rail (Ferryboat Lane Footbridge Reconstruction) (Land Acquisition) Order 2021.”.

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

5.—(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(6) (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(8) (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 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 10 (time limit for exercise of powers of acquisition) of the Network Rail (Ferryboat Lane Footbridge Reconstruction) (Land Acquisition) Order 2021”.

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

(7) In section 7(10) (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(11) (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 3 (power to acquire land) by article 4 (application of Part 1 of the 1965 Act).

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(5) Section 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016.

(6) Section 5 was amended by paragraphs 4 and 6 of Schedule 15 to the Housing and Planning Act 2016.

(7) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.

(8) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.

(9) Section 6 was amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraphs 4 and 7 of Schedule 15 to the Housing and Planning Act 2016.

(10) Section 7 was amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016.

(11) Schedule A1 was inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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