
STATUTORY INSTRUMENTS

2022 No. 1067

**The Network Rail (Huddersfield to Westtown
(Dewsbury) Improvements) Order 2022**

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire subsoil and imposition of restrictive covenants

31.—(1) In the case of the land specified in columns (1) and (2) of Schedule 14 (acquisition of subsoil), Network Rail’s powers of compulsory acquisition under article 26(1) are limited to the compulsory acquisition of only so much of, or such rights in, the subsoil or under surface of that land as may be required for the purpose specified in relation to that land in column (3) of that Schedule and the imposition of restrictive or other covenants affecting land under paragraph (2).

(2) In addition to acquiring so much of, or such rights in, the subsoil or under surface of land referred in columns (1) and (2) of Schedule 14, Network Rail may impose such restrictive or other covenants affecting the land as may be required for the purposes of maintaining or protecting any subsoil works constructed in the subsoil or under surface of that land for the purposes of strengthening and stabilising Work No. 1A and Work No. 1B as described in Schedule 1 (scheduled works).

(3) Where Network Rail acquires any part of, or rights in, the subsoil or under surface of land under paragraph (1) or imposes a restrictive or other covenant under paragraph (2), Network Rail is not required to acquire a greater interest in the land or any other interest in any other part of the land.

(4) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil only or under paragraph (2) in relation to the imposition of restrictive or other covenants—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the Compulsory Purchase (Vesting Declarations) Act 1981; and
- (c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(5) Paragraphs (3) and (4) are to be disregarded where Network Rail acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.