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WELSH STATUTORY INSTRUMENTS

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**2004 No. 3054**

**The Scarweather Sands Offshore Wind Farm Order 2004**

**PART III**

**ACQUISITION AND POSSESSION OF LAND**

*Compensation*

**Extinction or suspension of private rights of way**

**23.**—(1) Subject to paragraph (2), all private rights of way over land subject to compulsory acquisition under article 18 are extinguished—

- (a) as from the acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the entry on the land by the undertaker under section 11(1) of the 1965 Act, whichever is sooner.

(2) Paragraph (1) does not apply to any private rights of way over Heol Caer Bont.

(3) All private rights of way over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the Town and Country Planning Act 1990<sup>(1)</sup> (extinguishment of rights of statutory undertakers etc.).