
STATUTORY INSTRUMENTS

2009 No. 2728

The Network Rail (Reading) (Land Acquisition) Order 2009

PART 2

ACQUISITION AND POSSESSION OF LAND

Temporary possession or use of land

Temporary use of land for construction of works

10.—(1) Network Rail may, in connection with the carrying out of the authorised works, enter upon and take temporary possession of—

- (a) the land specified in column (1) of Schedule 4 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the authorised works specified in column (3) of that Schedule; and
- (b) subject to paragraph (11), any of the other land within the limits of land to be acquired or used in respect of which no notice of entry has been served under section 11 of the 1965 Act or no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article Network Rail shall serve notice of the intended entry on the owners and occupiers of the land.

(3) Network Rail may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in column (3) of Schedule 4.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but Network Rail shall not be required to replace a building removed in connection with the carrying out of the authorised works.

(5) Network Rail shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Without prejudice to article 22 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the land referred to in paragraph (1)(a) except that Network Rail shall not be precluded from acquiring new rights over any land specified in Schedule 3 (land in which only new rights may be acquired) under article 6 (power to acquire new rights).

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

(9) Where Network Rail takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 4(1) (application of Part 1 of the Compulsory Purchase Act 1965).

(11) Paragraph (1)(b) shall not authorise Network Rail to take temporary possession of—

- (a) any land specified in Schedule 3 or Schedule 5 (land over which temporary rights of access may be exercised);
- (b) any house or garden belonging to a house; or
- (c) any building (other than a house) if it is for the time being occupied.