
STATUTORY INSTRUMENTS

2018 No. 693

**The High Speed Rail (London – West Midlands)
(Greatmoor Railway Sidings Etc.) Order 2018**

PART 3

ACQUISITION OF LAND

Supplementary

Extinction of private rights of way

14.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by the Secretary of State, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the Secretary of State under section 11(1)(1) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by the Secretary of State and required for the purposes of this Order are extinguished on the appropriation of the land for any of those purposes by the Secretary of State.

(3) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Subject to section 13 of the principal Act, this article does not apply in relation to any right of way to which section 271 or 272(2) of the 1990 Act (extinguishment of rights of statutory undertakers etc.) applies.

(5) Paragraphs (1) to (3) have effect subject to—

- (a) any notice given by the Secretary of State before—
 - (i) the completion of the acquisition of the land;
 - (ii) the Secretary of State's appropriation of it; or
 - (iii) the Secretary of State's entry on to it,

provides that any or all of those paragraphs do not apply in relation to any right of way specified in the notice; and

- (b) any agreement made at any time between the Secretary of State and the person in or to whom the right of way in question is vested or belongs.

(1) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No 1) and S.I. 2009/1307.

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

Status: This is the original version (as it was originally made).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

(6) If any agreement referred to in paragraph (6)(b)—

(a) is made with a person in or to whom the right of way is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.