
STATUTORY INSTRUMENTS

2020 No. 325

**The Reinforcement to the North Shropshire
Electricity Distribution Network Order 2020**

PART 5

POWERS OF ACQUISITION

Private rights

21.—(1) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to compulsory creation and acquisition of rights or the imposition of restrictions under the Order are to be suspended as is necessary to ensure the operation of the Order and insofar as their continuance would be inconsistent with the exercise of the right created and acquired or the burden of the restriction imposed—

- (a) as from the date of creation and acquisition of the right or the benefit of the restriction by the undertaker, whether compulsorily or by agreement, or
- (b) on the date of entry on the land by the undertaker under section 11(1)^{M1} of the 1965 Act (power of entry) in pursuance of the right,

whichever is the earliest.

(2) Subject to the provisions of this article, all private rights and restrictive covenants save any such rights benefitting the undertaker over land of which the undertaker takes temporary possession under this Order are to be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land and so far as their continuance would be inconsistent with the exercise of the temporary possession of that land.

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

(4) This article does not apply in relation to any right to which section 138 of the 2008 Act^{M2} (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 29 (statutory undertakers) applies.

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

- (a) any notice given by the undertaker before—
 - (i) the completion of the creation and acquisition of rights or the imposition of restrictions over or affecting the land;
 - (ii) the undertaker's appropriation of that land;
 - (iii) the undertaker's entry onto that land; or
 - (iv) the undertaker's taking temporary possession of that land,
- that any or all of those paragraphs do not apply to any right specified in the notice; and

- (b) any agreement made at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested or belongs.
- (6) If any such agreement referred to in paragraph (5)(b)—
 - (a) is made with a person in or to whom the right or restrictive covenant 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.

(7) Reference in this article to private rights and restrictive covenants over land includes any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including natural right to support and personal covenants.

Commencement Information

I1 Art. 21 in force at 14.4.2020, see [art. 1](#)

Marginal Citations

M1 [Section 11](#) was amended by the Acquisition of Land Act 1981, section 34(1) Schedule 4; the Housing (Consequential Provisions) Act 1985 c. 71, section 3, [Schedule 1, Part 1](#); the [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#) section 14, Schedule 5 paragraph 12(1) and S.I. 2009/1307.

M2 [Section 138](#) was amended by the Growth and Infrastructure Act 2013 c. 27, [section 23\(1\)](#) and (4) and by S.I. 2017/1285.

Changes to legislation:

There are currently no known outstanding effects for the The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, Section 21.