
STATUTORY INSTRUMENTS

2021 No. 299

**The Network Rail (Ferryboat Lane Footbridge
Reconstruction) (Land Acquisition) Order 2021**

PART 2

ACQUISITION AND POSSESSION OF LAND

Temporary possession or use of land

Temporary use of land in connection with the development

6.—(1) Subject to the provisions of article 11 (statutory undertakers, etc.), Network Rail may, in connection with the development, enter upon and take temporary possession of the land specified in columns (1) and (2) of Schedule 1 (land of which temporary possession may be taken) for the purposes described in column (3) of that Schedule.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article, Network Rail must 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 works for the purposes of which temporary possession of that land was taken.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but Network Rail is not required to replace a building removed in connection with the implementation of the development or remove any part of the new public right of way provided in connection with the development.

(5) Network Rail must 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 compensation, is to be determined under Part 1 of the 1961 Act.

(7) Without affecting article 14 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(1) (further provision as to compensation for injurious affection) 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) Where Network Rail takes possession of land under this article, it is not required to acquire the land or any interest in it.

(1) Section 10 was amended by paragraph 13(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(9) Section 13(2) (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 4 (application of Part 1 of the 1965 Act).

Temporary use of land for oversailing and access

7.—(1) Network Rail may enter upon and use the land, and the airspace above the surface of the land, specified in Schedule 2 (land which may be used for oversailing and access)—

- (a) for the oversailing of cranes used by Network Rail in connection with the development; and
- (b) for the passage of persons or vehicles (with or without materials, plant and machinery) for the purpose of, or in connection with, the construction of the development.

(2) The power under paragraph (1) is exercisable on giving at least 7 days' notice to the owners and occupiers of the land or, where access is urgently required under paragraph (1)(b), such notice as is reasonably practicable.

(3) Paragraph (2) does not require notice to be given in relation to land used under paragraph (1) (b) where notice under that paragraph has already been given in relation to that land.

(4) Network Rail may not, without the agreement of the owners of the land, use airspace above the surface of the land as mentioned in paragraph (1)(a) after the end of 7 days beginning with the date of completion of the activities for which the crane has been used.

(5) Network Rail must pay compensation to the owners and occupiers of land to which paragraph (1) applies for any loss or damage arising from the exercise of the power conferred by that paragraph.

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

(7) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of article 4 (application of Part 1 of the 1965 Act).

(2) Section 13 was amended by section 139 of, and paragraphs 27 and 28 of Schedule 13 to, and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).