
STATUTORY INSTRUMENTS

2022 No. 1067

The Network Rail (Huddersfield to Westtown
(Dewsbury) Improvements) Order 2022

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire subsoil or airspace only

32.—(1) Network Rail may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraphs (1)(a) or (b) of article 26 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) In the case of the land specified in columns (1) and (2) of Schedule 15 (land of which only subsoil may be acquired), Network Rail's powers of compulsory acquisition under article 26(1) are limited to the compulsory acquisition of only so much of, or such rights in, the subsoil or under surface of that land as may be required for the purposes of the—

- (a) construction, operation and maintenance of Work No. 1A and Work No. 1B as described in Schedule 1 (scheduled works); and
- (b) construction, operation and maintenance of works for the purposes of strengthening and stabilising Work No. 1A and Work No. 1B as described in Schedule 1.

(3) Where Network Rail acquires any part of, or rights in, the subsoil of or the airspace over land under paragraphs (1) or (2), Network Rail is not required to acquire an interest in any other part of the land.

(4) The following do not apply in connection with the exercise of the power under paragraphs (1) or (2) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the Compulsory Purchase (Vesting Declarations) Act 1981; and
- (c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(5) Paragraphs (3) and (4) are to be disregarded where Network Rail acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.