
STATUTORY INSTRUMENTS

2022 No. 820

The Northumberland Line Order 2022

PART 4

ACQUISITION AND POSSESSION OF LAND

Supplementary

Extinction or suspension of private rights of way

23.—(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 Council, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the Council under section 11(1) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to the provisions of this article, all private rights over land owned by the Council and Network Rail which, being within the Order limits, is required for the purposes of the development are extinguished on the appropriation of the land for any of those purposes by the Council or Network Rail.

(3) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right—

- (a) as from the date of the acquisition of the right by the Council, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the Council under section 11(1) of the 1965 Act; or
- (c) on the commencement of any activity authorised by this Order which interferes with or breaches those rights,

whichever is the sooner.

(4) Subject to the provisions of this article, all private rights over land of which the Council takes temporary possession under this Order are suspended and unenforceable for as long as the Council remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272 (extinguishment of rights of telecommunications code system operators: preliminary notices) of the 1990 Act or paragraph 2 of Part 1 of Schedule 10 (provisions relating to statutory undertakers etc.) applies.

- (7) Paragraphs (1), (2), (3) and (4) have effect subject to—
- (a) any notice given by the Council before—
 - (i) the completion of the acquisition of the land or the acquisition of the rights over or affecting the land;
 - (ii) the Council’s appropriation of it;
 - (iii) the Council’s entry onto it; or
 - (iv) the Council taking temporary possession of it,
 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 Council or Network Rail and the person in or to whom the right in question is vested or belongs.
- (8) If any such agreement as is mentioned in sub-paragraph (7)(b)—
- (a) is made with a person in or to whom the right is vested or belongs; and
 - (b) is expressed to have effect also for the benefit of those deriving title from or under the 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.

Open space

24.—(1) As from the date on which the Council enters onto the open space land under section 11 (powers of entry) of the 1965 Act or section 8 (vesting, and right to enter and take possession) of the 1981 Act the open space land will be discharged from all rights, trusts and incidents to which it was previously subject.

(2) In this article “the open space land” means the land numbered 116 and 247 as shown on the land and works plans and forming part of an open space within the meaning of section 19(1) of the 1981 Act, which the Secretary of State has certified as not exceeding 209 square metres and that the giving in exchange of other land for the open space land is unnecessary for the purposes of section 19(1) of the 1981 Act.

Time limit for exercise of powers of acquisition and temporary use of land

25.—(1) After the end of the period of five years beginning on the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 15 (application of part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 16 (application of the 1981 Act).

(2) The powers conferred by articles 19 (temporary use of land in connection with the development) and 20 (temporary use of land for access) cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the Council remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.