
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 188

The Network Rail (Waverley Steps) Order 2010

PART 3

ACQUISITION AND POSSESSION OF LAND

Temporary possession of land

Temporary use of land for construction of works

- 19.**—(1) Network Rail may, in connection with the carrying out of the authorised works—
- (a) enter upon and take temporary possession of any of the land specified in columns (1) and (2) of Schedule 6 for the purpose specified in relation to that land in column (3) of that Schedule;
 - (b) remove any apparatus, buildings or vegetation from that land;
 - (c) construct temporary works (including the provision of apparatus or means of access) and buildings on the land.
- (2) Not less than 28 days before entering upon and taking temporary possession of land under this article Network Rail shall serve written 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 authorised works.
- (4) Before giving up possession of land of which temporary possession has been taken under this paragraph, Network Rail shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but Network Rail shall not be required to replace a building removed under this article.
- (5) Network Rail shall pay compensation to the owners and occupiers of land of which temporary possession has been 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, shall be determined under the 1963 Act.
- (7) Without prejudice to article 22 (no double recovery), nothing in this article affects any liability to pay compensation under any 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 shall not be required to acquire the land or any interest in it.