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STATUTORY INSTRUMENTS

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**1999 No. 1555**

**The Railtrack (Luton Parkway  
Station: Land Acquisition) Order 1999**

**Citation and commencement**

1. This Order may be cited as the Railtrack (Luton Parkway Station: Land Acquisition) Order 1999 and shall come into force on 3rd June 1999.

**Interpretation**

2.—(1) In this Order—

“the 1965 Act” means the Compulsory Purchase Act 1965(1);

“the Application Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992;

“the book of reference” means the book of reference described in rule 7(5) of the Applications Rules certified by the Secretary of State as the book of reference for the purposes of this Order;

“the land plan” means the plan described in rule 7(3) of the Applications Rules certified by the Secretary of State as the land plan for the purposes of this Order;

“the new Luton Parkway railway station” means the new railway station to be constructed on land adjoining Gypsy Lane in the borough of Luton;

“Railtrack” means Railtrack PLC.

(2) Where the book of reference or the land plan was or were revised before this Order was made, any reference to it or them in this Order is to the latest version as certified under article 10 below.

(3) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface.

**Power to acquire land**

3. Railtrack may acquire compulsorily so much of the land shown numbered 4 on the land plan and described in the book of reference as may be required for or in connection with the provision of the new Luton Parkway railway station together with access and parking facilities and it may use any land so acquired for those purposes or for any other purposes connected with or ancillary to its railway undertaking.

**Application of Part I of Compulsory Purchase Act 1965**

4.—(1) Part I of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

(a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(2) applies; and

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(1) 1965 c. 56.  
(2) 1981 c. 67.

(b) as if this Order were a compulsory purchase order under that Act.

(2) Part I of the 1965 Act, as so applied, shall have effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

### **Powers to acquire new rights**

5.—(1) Railtrack may compulsorily acquire such easements or other rights over any land referred to in article 3 above as may be required for any purpose for which that land may be acquired by it under that article, by creating them as well as by acquiring easements or other rights already in existence.

(2) Railtrack may compulsorily acquire such easements or other rights over the land shown numbered 2 on the land plan and described in the book of reference as it shall require in order to make provision for access to the new Luton Parkway railway station by vehicles of the emergency services.

(3) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 1 to this Order), where Railtrack acquires a right over land under paragraph (1) or (2) above it shall not be required to acquire a greater interest in the land.

(4) Schedule 1 to this Order shall have effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

### **Disregard of certain interests and improvements**

6.—(1) In assessing the compensation (if any) payable to any person on the acquisition from him of any land under this Order, the tribunal shall not take into account—

- (a) any interest in land, or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) above—

“relevant land” means the land acquired from the person concerned or any other land with which he is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned; and

“the tribunal” means the Lands Tribunal.

### **Extinction or suspension of private rights of way**

7.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the acquisition of the land by Railtrack, whether compulsorily or by agreement; or
- (b) on the entry on the land by Railtrack under section 11(1) of the 1965 Act;

whichever is sooner.

(2) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961<sup>(3)</sup>.

(3) This article does not apply in relation to any right of way to which section 271 or 272 of the Town and Country Planning Act 1990<sup>(4)</sup> (extinguishment of rights of statutory undertakers etc.) applies.

#### **Time limit for exercise of powers of acquisition**

8. No notice to treat shall be served under Part I of the 1965 Act as applied to the acquisition of land by article 4 above after the end of the period of five years beginning with the day on which this Order comes into force.

#### **Acquisition: supplementary matters**

9.—(1) Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of the working of mines or minerals underlying an authorised undertaking) shall have effect in relation to land to which article 3 above applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.

(2) In their application by virtue of paragraph (1) above, Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 shall have effect as if references in those Parts to “the undertaking” were references to Railtrack’s railway undertaking.

#### **Certification of plan etc.**

10. Railtrack shall, as soon as practicable after the making of this Order, submit copies of the book of reference and the land plan to the Secretary of State for certification that they are, respectively, the book of reference and land plan referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

#### **Statutory undertakers etc.**

11. The provisions of Schedule 2 to this Order (which contains provisions relating to statutory undertakers) shall have effect.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

11th May 1999

*ASD Whybrow*  
Head of Charging and Local Transport Division,  
Department of the Environment, Transport and  
the Regions

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(3) 1961 c. 33.

(4) 1990 c. 8.