
STATUTORY INSTRUMENTS

2005 No. 120

The Merseytram (Liverpool City Centre to Kirkby) Order 2005

PART 3

ACQUISITION AND POSSESSION OF LAND

Supplementary

Extinction or suspension of private rights of way

40.—(1) Subject to the provisions of this article, 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 Merseytravel, whether compulsorily or by agreement; or
- (b) on the entry on the land by Merseytravel under section 11(1) of the 1965 Act;

whichever is sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by Merseytravel which is within the permanent limits and is required for the purposes of this Order, shall be extinguished on the appropriation of the land for any of those purposes by Merseytravel.

(3) Subject to the provisions of this article, all private rights of way over land of which Merseytravel takes temporary possession under this Order shall be suspended and unenforceable for as long as Merseytravel remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension 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 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers, etc.) or paragraph 2 of Schedule 11 to this Order applies.

(6) Paragraphs (1), (2) and (3) shall have effect subject to—

- (a) any notice given by Merseytravel before the completion of the acquisition of the land, Merseytravel's appropriation of it, Merseytravel's entry onto it or Merseytravel's taking temporary possession of it, as the case may be, that any or all of those paragraphs shall not apply to any right of way specified in the notice; and
- (b) any agreement made (whether before or after any of the events mentioned in subparagraph (a) and before or after the coming into force of this Order) between Merseytravel and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b) which is made with a person in or to whom the right of way is vested or belongs is expressed to have effect also for the benefit of those deriving title from or under him, it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.