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STATUTORY INSTRUMENTS

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**2018 No. 446**

**TRANSPORT AND WORKS, ENGLAND**  
**TRANSPORT, ENGLAND**

**The Network Rail (Hope Valley Capacity) Order 2018**

*Made* - - - - *28th March 2018*

*Coming into force* *18th April 2018*

**THE NETWORK RAIL (HOPE VALLEY CAPACITY) ORDER 2018**

PART 1

1. Citation and commencement
2. Interpretation
3. Incorporation of the Railway Clauses Acts
4. Application of the 1991 Act
5. Disapplication of legislative provisions

PART 2

*Principal powers*

6. Power to construct and maintain works
7. Power to deviate

*Streets*

8. Power to execute street works
9. Temporary stopping up of streets
10. Access to works
11. Construction and maintenance of altered streets
12. Agreements with street authorities
13. Replacement and closure of footpath level crossing

*Supplemental powers*

14. Discharge of water
15. Protective works to buildings
16. Power to survey and investigate land

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## PART 3

### *Powers of acquisition*

17. Power to acquire land
18. Application of Part 1 of the 1965 Act
19. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
20. Power to acquire new rights
21. Cases where powers of acquisition limited to ground anchor rights
22. Power to acquire subsoil or airspace only
23. Rights under or over streets

### *Temporary Possession of Land*

24. Temporary use of land for construction of works
25. Temporary use of land for maintenance of works

### *Compensation*

26. Disregard of certain interests and improvements
27. Set-off for enhancement in value of retained land

### *Supplementary*

28. Extinction or suspension of private rights of way
29. Time limit for exercise of powers of acquisition

## PART 4

30. Defence to proceedings in respect of statutory nuisance
31. Planning permission
32. Power to lop trees overhanging the authorised works
33. Power to operate and use railway
34. Obstruction of construction of authorised works
35. Temporary traffic regulation
36. Traffic signs
37. Disclosure of confidential information
38. Statutory undertakers etc.
39. Protection of interests
40. Certification of plans etc.
41. Service of notices
42. No double recovery
43. Arbitration  
Signature

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SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — ACQUISITION OF CERTAIN LANDS FOR ANCILLARY WORKS

SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 4 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 5 — REPLACEMENT AND CLOSURE OF FOOTPATH CROSSING

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

*Application of Part 1 of the 1965 Act*

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 7 — ACQUISITION OF NEW RIGHTS ONLY

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — TEMPORARY TRAFFIC REGULATION

PART 1 — NO WAITING, NO PARKING AND NO LOADING AT ANY TIME

PART 2 — SPEED RESTRICTIONS

SCHEDULE 10 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

*Apparatus of statutory undertakers etc. on land acquired*

1. Sections 271 to 274 (extinguishment of rights of statutory undertakers...
2. In the provisions of the 1990 Act, as applied by...
3. Where any apparatus of public utility undertakers or of a...
4. Paragraph 3 does not apply in the case of the...
5. The provisions of the 1990 Act mentioned in paragraph 1,...
6. Nothing in this Schedule affects the provisions of any enactment...
7. In this Schedule— “public communications provider” has the same meaning...

SCHEDULE 11 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF SPECIFIED UNDERTAKERS

1. (1) For the protection of the undertakers referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. This Part of this Schedule does not apply to apparatus...
4. Without affecting any provision in this Order or anything shown...
5. (1) If, in the exercise of the powers conferred by...
6. (1) Where, in accordance with the provisions of this Part...
7. (1) Not less than 28 days before starting the execution...
8. (1) If in consequence of the exercise of the powers...
9. (1) Subject to sub-paragraphs (2) and (3), if by reason...
10. Nothing in this Part of this Schedule affects the provision...

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PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

11. (1) For the protection of any operator, the following provisions...
12. (1) Subject to sub-paragraphs (2) to (4), if as the...
13. This Part of this Schedule does not apply to—
14. Nothing in this Part of this Schedule affects the provisions...  
PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
15. (1) The following provisions of this Part of this Schedule...
16. (1) Before beginning to construct any specified work, Network Rail...
17. Without limitation on the scope of paragraph 16, the requirements...
18. (1) Subject to sub-paragraph (2), any specified work, and all...
19. (1) Subject to sub-paragraph (5) Network Rail must from the...
20. Subject to paragraph 22, if by reason of the construction...
21. (1) Network Rail must take all such measures as may...
22. Nothing in paragraphs 18(4), 19(3), 20, 21(3) and (4) authorises...
23. Network Rail must indemnify the Agency in respect of all...
24. (1) Without affecting the other provisions of this Part of...
25. The fact that any work or thing has been executed...
26. Any dispute arising between Network Rail and the Agency under...

PART 4 — FOR THE PROTECTION OF LEAD LOCAL FLOOD AUTHORITIES

27. (1) The following provisions of this Part of this Schedule...
28. (1) Before beginning to construct any specified work, Network Rail...
29. Without limitation on the scope of paragraph 28, the requirements...
30. (1) Subject to sub-paragraph (2), any specified work, and all...
31. (1) Subject to sub-paragraph (3) Network Rail must from the...
32. If by reason of the construction of any specified work...
33. (1) Network Rail must pay all costs, charges and expenses...
34. The fact that any work or thing has been executed...
35. Any dispute arising between Network Rail and the lead local...

Explanatory Note