
STATUTORY INSTRUMENTS

2020 No. 114

**The Network Rail (East West Rail) (Bicester
to Bedford Improvements) Order 2020**

PART 2

WORKS PROVISIONS

Level Crossings

Replacement and closure of footpath level crossings

9.—(1) Subject to paragraph (3), each of the footpath level crossings specified in column (2) of Parts 1 and 2 of Schedule 6 (replacement and closure of footpath level crossings) are stopped up and discontinued.

(2) Subject to paragraph (3) and paragraph 2 of Schedule 15 (provisions relating to statutory undertakers etc.), upon the stopping up and discontinuance of a footpath level crossing referred to in paragraph (1), any right of way over the part of the footpath specified in relation to it in column (3) of Parts 1 and 2 of Schedule 6 is extinguished.

(3) Paragraphs (1) and (2) are not to take effect with respect to a footpath specified in columns (2) and (3) of Part 1 of Schedule 6 until the replacement right of way specified in relation to it in column (4) of that Part of that Schedule has been provided to the reasonable satisfaction of the street authority and is open for use.

(4) On completion of the construction of the replacement right of way specified in column (4) of Schedule 6 Network Rail must submit a written request to the street authority for written confirmation that the replacement right of way has been provided to the reasonable satisfaction of the authority, and can be opened for use, and such confirmation must not be unreasonably withheld and must be given within 28 days of the street authority receiving a request under this paragraph. If the street authority fails to notify Network Rail in writing of a decision by the expiry of 28 days from receiving the request, the street authority is deemed to have provided confirmation.

(5) If the street authority notifies Network Rail that confirmation cannot be provided under paragraph (4), the matter is to be determined in accordance with article 46 (arbitration).

(6) In providing the replacement right of way specified in column (4) of Part 1 of Schedule 6, Network Rail may within the Order limits erect barriers and signs and carry out or provide any ancillary works or conveniences, subject to the agreement of the highway authority which agreement must not be unreasonably withheld.

(7) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(8) Any replacement footpath or bridleway specified in column (4) of Part 1 of Schedule 6 provided under this Order is to be a public footpath or bridleway and, subject to paragraphs (9)

to (12), in relation to that replacement right of way, section 28(1) (compensation for loss caused by public path creation order) of the 1980 Act applies as if the replacement right of way had been created by a public path creation order.

(9) In its application by virtue of paragraph (8), section 28 of the 1980 Act has effect with the modifications mentioned in paragraphs (10) to (12).

(10) In subsection (1), for the words “the authority by whom the order was made” there are substituted the words “Network Rail Infrastructure Limited”.

(11) For subsection (2), substitute—

“(2) A claim for compensation under this section is to be made to Network Rail Infrastructure Limited in writing before the end of the period of 6 months beginning with the day on which the public right of way first becomes exercisable and is to be served on Network Rail Infrastructure Limited by delivering it at, or by sending it by pre-paid post to, the registered office of Network Rail Infrastructure Limited.”

(12) Omit subsection (3).

(13) For the purposes of paragraphs (8) to (12), in section 307(2) (disputes as to compensation which are to be determined by Upper Tribunal and related provisions) of the 1980 Act, as it applies to section 28 of the 1980 Act by virtue of section 307(1), for “the authority from whom the compensation in question is claimed” substitute “Network Rail Infrastructure Limited”.