
STATUTORY INSTRUMENTS

2020 No. 1485

**The Network Rail (Cambridgeshire
Level Crossing Reduction) Order 2020**

PART 3

ACQUISITION AND POSSESSION OF LAND

Supplementary

Extinction or suspension of private rights of way

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

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

whichever is the sooner.

(2) All private rights of way over land owned by Network Rail which, being within the Order limits, is required for the purposes of this Order are extinguished on the appropriation of the land for any of those purposes by Network Rail.

(3) Subject to the provisions of this article, all private rights of way over land subject to the compulsory acquisition of rights under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right—

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

whichever is the sooner.

(4) Subject to paragraph (6), all private rights of way over land of which Network Rail takes temporary possession under this Order are suspended and unenforceable for as long as Network Rail remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension 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.

(6) Paragraphs (1), (2), (3) and (4) have effect subject to—

(1) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14, of and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measures 2006 (2006 No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

- (a) any notice given by Network Rail before—
 - (i) the completion of the acquisition of;
 - (ii) Network Rail’s appropriation of;
 - (iii) Network Rail’s entry onto; or
 - (iv) Network Rail’s taking temporary possession of,
 the land, that any or all of those paragraphs do not apply to any right of way specified in the notice; and
- (b) any agreement made between Network Rail and the person in or to whom the right of way in question is vested or belongs which makes reference to this article; whether that agreement was made before or after any of the events mentioned in sub-paragraph (a), or before or after the coming into force of this Order.

(7) If any such agreement as is mentioned in sub-paragraph (6)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Extinguishment of private rights over accommodation crossings

27.—(1) Subject to paragraphs (3) and (4), all private rights of way (if any) over the level crossings specified in paragraph (2) are extinguished.

(2) The level crossings referred to in paragraph (1) are—

- (a) Nairns No. 117 crossing between points P099 and P100 in the Parish of Stretham;
- (b) Jack O’Tell (Adam’s Crossing) between points P104A and P105A in the Parish of Waterbeach;
- (c) Fysons crossing between points P106 and P107 in the Parish of Waterbeach; and
- (d) Ballast Pit crossing between points P108 and P109 in the Parish of Waterbeach.

(3) Paragraph (1) must not take effect with respect to the extinguishment of the private rights of way by means of the level crossings specified in paragraph (2), until the authorised works relating to those crossings have been completed.

(4) 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.

Grant of rights over level crossings

28.—(1) The level crossings specified in paragraph (2) are subject to continued rights of access for vehicular traffic for authorised users.

(2) The level crossings referred to in paragraph (1) are—

- (a) Silt Drove crossing between points P012 and P013 in the Parish of March;
- (b) Black Horse Drove crossing between points P136 and P137 in the Parish of Littleport; and
- (c) Westley Road crossing between points P111 and P114 in the Parish of Westley Waterless.

Time limit for exercise of powers of acquisition

29.—(1) After the end of the period of 5 years beginning on the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 20 (application of Part 1 of the 1965 Act); and

(b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 21 (application of the 1981 Act).

(2) The powers conferred by article 22 (power to acquire new rights) and article 23 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents Network Rail from remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.