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STATUTORY INSTRUMENTS

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**2022 No. 1406**

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

The Network Rail (Cambridge South  
Infrastructure Enhancements) Order 2022

*Made - - - - 21st December 2022*

*Coming into force 11th January 2023*

THE NETWORK RAIL (CAMBRIDGE SOUTH  
INFRASTRUCTURE ENHANCEMENTS) ORDER 2022

PART 1

PRELIMINARY

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

PART 2

WORKS PROVISIONS

*Principal Powers*

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

*Level Crossings*

8. Level crossings to be stopped up

*Streets*

9. Power to alter layout etc., of streets
10. Power to execute street works
11. Temporary stopping up of streets

*Status:* This is the original version (as it was originally made).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

12. Construction and maintenance of new or altered highways
13. Access to works
14. Use of private roads for construction and operation
15. Agreements with street authorities

*Supplemental Powers*

16. Discharge of water
17. Protective works to buildings
18. Power to survey and investigate land

PART 3

ACQUISITION AND POSSESSION OF LAND

*Powers of Acquisition*

19. Power to acquire land
20. Application of Part 1 of the 1965 Act
21. Application of the 1981 Act
22. Power to acquire new rights
23. Power to acquire subsoil or airspace only
24. Rights under or over streets

*Temporary possession of land*

25. Temporary use of land for construction of works
26. Temporary use of land for maintenance works
27. Temporary use of land for access

*Compensation*

28. Disregard of certain interest and improvements

*Supplementary*

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

PART 4

MISCELLANEOUS AND GENERAL

31. Powers to transfer undertaking
32. Defence to proceedings in respect of statutory nuisance
33. Power to lop trees overhanging the authorised works
34. Power to operate and use railway
35. Planning permission and supplementary powers
36. Public open space
37. Obstruction of construction of authorised works
38. Disclosure of confidential information
39. Statutory undertakers etc.
40. Certification of plans etc.
41. Service of notices
42. Protection of interests
43. No double recovery
44. Arbitration

Signature

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SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — ANCILLARY ACQUISITION OF LAND

SCHEDULE 3 — LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

SCHEDULE 4 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 5 — CLOSURE OF LEVEL CROSSINGS

SCHEDULE 6 — STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 7 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 8 — STREETS TO BE TEMPORARILY STOPPED UP OR DIVERTED

SCHEDULE 9 — ACCESS TO WORKS

SCHEDULE 10 — 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 11 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC. ON LAND ACQUIRED

*Apparatus of statutory undertakers etc. on land acquired*

1. (1) Sections 271 to 274 (power to extinguish rights of...

SCHEDULE 12 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. Application
2. The provisions of paragraph 1 of Schedule 11 (provisions relating...
3. This Part of this Schedule does not apply to apparatus...
4. Interpretation
5. Acquisition of apparatus

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6. Alternative apparatus
7. (1) Where, in accordance with the provisions of this Part...
8. Existing apparatus: protection and access
9. Expenses
10. Damage to apparatus: costs, losses, etc.
11. Enactments and agreements
  - PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
  12. (1) For the protection of any operator, the following provisions...
  13. (1) Subject to sub-paragraphs (2) to (4), if as the...
  14. This Part of this Schedule does not apply to—
  15. Nothing in this Part of this Schedule affects the provisions...
    - PART 3 — FOR THE PROTECTION OF DRAINAGE AUTHORITIES AND THE ENVIRONMENT AGENCY
    16. (1) The following provisions of this Part of this Schedule...
    17. (1) Before beginning to construct any specified work, Network Rail...
    18. Without limitation on the scope of paragraph 17, the requirements...
    19. (1) Subject to sub-paragraph (2), any specified work, and all...
    20. (1) Subject to sub-paragraph (5) Network Rail must from the...
    21. Subject to paragraph 23, if by reason of the construction...
    22. (1) Network Rail must take all such measures as may...
    23. Nothing in paragraphs 19(4), 20(3), 21, 22(3) and (4) authorises...
    24. Network Rail must indemnify the drainage authority in respect of...
    25. (1) Without affecting the other provisions of this Part of...
    26. The fact that any work or thing has been executed...
      - PART 4 — PROTECTIVE PROVISION FOR THE HOBSON'S CONDUIT TRUST
      27. Application
      28. Interpretation
      29. Exercise of Powers
      30. Network Rail must not use any land or property of...
      31. Survey of watercourse
      32. Notification, approval, protective works
      33. Network Rail must give to the engineer 14 days' notice...
      34. Carrying out specified works and protective works
      35. Network Rail must not in the course of constructing a...
      36. Network Rail must provide and maintain at its own expense...
      37. Access
      38. Maintenance of the specified works and protective works
      39. Expenses
      40. Detriment to the watercourse
      41. Disputes
        - PART 5 — FOR THE PROTECTION OF CADENT GAS LIMITED
        42. Application
        43. Interpretation
        44. (1) This Part of this Schedule does not apply to...
        45. Notwithstanding the temporary stopping up or diversion of any highway...
        46. Network Rail must exercise the powers conferred by article 17...
        47. (1) Regardless of any provision in this Order or anything...
        48. (1) If, in the exercise of the powers conferred by...
        49. (1) Where, in accordance with the provisions of this Part...
        50. (1) Not less than 56 days before the commencement of...
        51. (1) Subject to the following provisions of this paragraph, Network...

52. (1) Subject to sub-paragraphs (2) and (3), if by reason...
53. Except where this Part of this Schedule provides otherwise, nothing...
54. (1) Where in consequence of the proposed construction of any...
55. If in consequence of any agreement reached in accordance with...
56. Save for differences or disputes arising under sub-paragraphs 48(2), 48(4),...
57. Notwithstanding article 41 (Service of Notices) any plans submitted to...  
PART 6 — FOR THE PROTECTION OF CAMBRIDGESHIRE COUNTY COUNCIL IN RESPECT OF THE GUIDED BUSWAY
58. Application
59. This Part of this Schedule does not apply to apparatus...
60. Interpretation
61. (1) Network Rail must not exercise the powers conferred by...
62. Guided busway property: notification, protective works
63. (1) Not less than 28 days before commencing the specified...
64. Carrying out protective works and specified works
65. Access
66. The operator must on being given reasonable notice (save in...
67. Damage to guided busway property: costs, losses etc.
68. Expenses
69. Maintenance of the specified works
70. Assessment of sums payable
71. Agreements
72. Transfer of undertaking
73. Certified documents
74. Disputes  
PART 7 — FOR THE PROTECTION OF SOUTH STAFFORDSHIRE WATER PLC
75. Application
76. The provisions of paragraph 1 of Schedule 11 (provisions relating...
77. This Part of this Schedule does not apply to apparatus...
78. Interpretation
79. Acquisition of apparatus
80. Alternative apparatus
81. (1) Where, in accordance with the provisions of this Part...
82. Existing apparatus: protection and access
83. Expenses
84. Damage to apparatus: costs, losses, etc.
85. Enactments and agreements

Explanatory Note