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STATUTORY INSTRUMENTS

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**2022 No. 820**

**The Northumberland Line Order 2022**

**PART 4**

**ACQUISITION AND POSSESSION OF LAND**

*Supplementary*

**Extinction or suspension of private rights of way**

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

whichever is the sooner.

(2) Subject to the provisions of this article, all private rights over land owned by the Council and Network Rail which, being within the Order limits, is required for the purposes of the development are extinguished on the appropriation of the land for any of those purposes by the Council or Network Rail.

(3) Subject to the provisions of this article, all private rights 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 the Council, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the Council under section 11(1) of the 1965 Act; or
- (c) on the commencement of any activity authorised by this Order which interferes with or breaches those rights,

whichever is the sooner.

(4) Subject to the provisions of this article, all private rights over land of which the Council takes temporary possession under this Order are suspended and unenforceable for as long as the Council remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272 (extinguishment of rights of telecommunications code system operators: preliminary notices) of the 1990 Act or paragraph 2 of Part 1 of Schedule 10 (provisions relating to statutory undertakers etc.) applies.

- (7) Paragraphs (1), (2), (3) and (4) have effect subject to—
- (a) any notice given by the Council before—
    - (i) the completion of the acquisition of the land or the acquisition of the rights over or affecting the land;
    - (ii) the Council's appropriation of it;
    - (iii) the Council's entry onto it; or
    - (iv) the Council taking temporary possession of it,that any or all of those paragraphs do not apply to any right specified in the notice; and
  - (b) any agreement made at any time between the Council or Network Rail and the person in or to whom the right in question is vested or belongs.
- (8) If any such agreement as is mentioned in sub-paragraph (7)(b)—
- (a) is made with a person in or to whom the right is vested or belongs; and
  - (b) is expressed to have effect also for the benefit of those deriving title from or under the person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.