
STATUTORY INSTRUMENTS

2022 No. 871

**The Network Rail (Oxford Station Phase
2 Improvements (Land Only)) Order 2022**

PART 2

ACQUISITION AND POSSESSION OF LAND

Supplementary

Extinction or suspension of private rights of way

12.—(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 Network Rail, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by Network Rail 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 of way over land owned by Network Rail which, being within the Order limits, is required for the purposes of the authorised works, 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 the provisions of this article, 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, as if it were a dispute under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right of way to which section 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272(1) (extinguishment of rights of electronic communications code network operators: preliminary notices) of the 1990 Act or paragraph 1 of Schedule 4 (provisions relating to statutory undertakers, etc.) to this Order applies.

(1) Section 272 was amended by paragraph 103(1 and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

- (7) Paragraphs (1) to (4) have effect subject to—
- (a) any notice given by Network Rail before the completion of the acquisition of the land, Network Rail’s appropriation of it, Network Rail’s entry onto it or Network Rail’s taking temporary possession of it that any or all of those paragraphs do not apply to any right of way specified in the notice; and
 - (b) any agreement made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) 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.
- (8) In respect of Plots 6b and 6c (as shown on the deposited plans)—
- (a) notwithstanding paragraph (1), no private rights of way over Plots 6b or 6c are extinguished on the occurrence of the events in paragraphs (1)(a) or (b);
 - (b) subject to Network Rail providing or there being available an alternative or diverted route Network Rail may suspend any private rights of way over Plots 6b and 6c for any purpose in connection with the carrying out of the authorised works;
 - (c) not less than 28 days before suspending any private rights of way pursuant to sub-paragraph (b), Network Rail must serve notice of the suspension on persons in or to whom the right of way in question is vested or belongs and such notice must specify the period of suspension;
 - (d) any right suspended pursuant to sub-paragraph (b) is unenforceable for the period specified in the notice served under sub-paragraph (c).
- (9) Notwithstanding paragraph (1), no private rights of way over Plot 17b (as shown on the deposited plans) are extinguished in accordance with paragraph (1) until the new junction has been constructed between Cripsey Road and Roger Dudman Way pursuant to the prior approval and is available for use by the public.

Time limit for exercise of powers of acquisition

13.—(1) After the end of the period of 5 years beginning with 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 4 (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 5 (application of the 1981 Act).

(2) The powers conferred by article 8 (temporary possession of land) 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.