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STATUTORY INSTRUMENTS

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**2023 No. 815**

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

The Rother Valley Railway (Bodiam  
to Robertsbridge Junction) Order 2023

Made - - - - 12th July 2023

Coming into force 2nd August 2023

**THE ROTHER VALLEY RAILWAY (BODIAM  
TO ROBERTSBRIDGE JUNCTION) ORDER 2023**

PART 1

PRELIMINARY

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

PART 2

WORKS PROVISIONS

*Principal powers*

6. Power to construct new railway
7. Power to maintain existing railways
8. Power to deviate

*Streets*

9. Power to alter layout etc. of streets
10. Power to execute street works
11. Stopping up of street
12. Temporary stopping up of streets
13. Access to works
14. Agreements with street authorities

*Status: This is the original version (as it was originally made).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

15. Level crossings

*Supplemental powers*

16. Discharge of water
17. Power to survey and investigate land

PART 3

ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

18. Power to acquire land
19. Application of Part 1 of the 1965 Act
20. Application of the 1981 Act
21. Power to acquire airspace only

*Temporary possession of land*

22. Temporary use of land for construction of works
23. Temporary use of land for maintenance of works

*Compensation*

24. Disregard of certain interests and improvements

*Supplementary*

25. Extinction or suspension of private rights of way
26. Time limit for exercise of powers of acquisition

PART 4

MISCELLANEOUS AND GENERAL

27. Defence to proceedings in respect of statutory nuisance
28. Power to lop trees overhanging the authorised works
29. Power to operate and use railway
30. Power to transfer undertaking
31. Power to charge fares
32. Application of landlord and tenant law
33. Removal of obstructions
34. Saving for highway authorities
35. Statutory undertakers etc.
36. Certification of plans etc.
37. Service of notices
38. Protection of interests
39. No double recovery
40. Arbitration
41. Agreement between BRB (Residuary) Limited and Rother Valley Railway Limited
42. Crown rights  
Signature

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## SCHEDULES

### SCHEDULE 1 — THE RAILWAY

#### PART 1 — THE NEW RAILWAY

In the county of East Sussex—

#### PART 2 — THE EXISTING RAILWAYS

In the county of East Sussex—

### SCHEDULE 2 — ACQUISITION OF LAND FOR ANCILLARY WORKS

### SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

### SCHEDULE 4 — STREETS TO BE TEMPORARILY STOPPED UP

### SCHEDULE 5 — LEVEL CROSSINGS

### SCHEDULE 6 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

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

*Apparatus of statutory undertakers etc. in stopped up streets*

2. (1) Where a street is stopped up under article 11...

### SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

### SCHEDULE 8 — PROTECTIVE PROVISIONS

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

1. Application
2. The provisions of paragraph 1 of Schedule 6 (provisions relating...
3. Interpretation
4. This Part of this Schedule does not apply to apparatus...
5. Acquisition of apparatus
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, the Company...
18. Without limitation on the scope of paragraph 17, the requirements...

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19. (1) Subject to sub-paragraph (2), any specified work, and all...
  20. (1) Subject to sub-paragraph (5) the Company must from the...
  21. Subject to paragraph 23, if by reason of the construction...
  22. (1) The Company must take all such measures as may...
  23. Nothing in paragraphs 19(4), 20(3), 21, 22(3) and (4) authorises...
  24. The Company 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...
  27. Any difference arising between the Company and the drainage authority...
- PART 4 — FOR THE PROTECTION OF NATIONAL HIGHWAYS
28. Application
  29. Interpretation
  30. Prior Approvals and Security
  31. (1) The NH works must not commence until—
  32. Construction traffic and route surveys
  33. Construction of the NH works
  34. Payments
  35. Completion
  36. Final condition survey
  37. Opening
  38. Final Certificate
  39. Security
  40. Commuted sums
  41. The Company must pay to National Highways the Commuted Sum...
  42. Insurance
  43. Indemnity
  44. Maintenance of the NH works
  45. Expert Determination
  46. Bond Form

Explanatory Note