
STATUTORY INSTRUMENTS

2015 No. 1561

The Preesall Underground Gas Storage Facility Order 2015

PART 3

ACQUISITION AND POSSESSION OF LAND

CHAPTER 4

Supplementary

Private rights of way

32.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

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

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker which, being within the limits of land which may be acquired shown on the land plans, is required for the purposes of this Order shall be extinguished on the appropriation of the land by the undertaker for any of those purposes.

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 29 (statutory undertakers) applies.

(6) Paragraphs (1) to (3) shall have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land,
 - (ii) the undertaker's appropriation of it,
 - (iii) the undertaker's entry onto it, or

⁽¹⁾ Section 11 is amended by Schedule 4 to the Acquisition of Land Act 1981 (c. 67), Schedule 1 to the Housing (Consequential Provisions) Act 1985 (c. 71), the Church of England (Miscellaneous Provisions) Measure 2006 No. 1 Schedule 5 paragraph 12(1) and the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

- (iv) the undertaker's taking temporary possession of it,
that any or all of those paragraphs shall not apply to any right of way specified in the notice; and
 - (b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.
- (7) If any such agreement as is referred to in paragraph (6)(b)—
- (a) is made with a person in or to whom the right of way is vested or belongs; and
 - (b) is expressed to have effect also for the benefit of those deriving title from or under that person,
- it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.