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STATUTORY INSTRUMENTS

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**2017 No. 1302**

**The Network Rail (Streat Green Underbridge)  
(Temporary Land Acquisition) Order 2017**

**PART 2**

**LAND PROVISIONS**

**Suspension of private rights of way**

**5.—**(1) Subject to paragraph (3), 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.

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

(3) Paragraph (1) has effect subject to—

- (a) any notice given by Network Rail before Network Rail's taking temporary possession of the land that paragraph (1) does not apply to any right of way specified in the notice; and
- (b) any agreement which makes reference to this article (whether made before or after Network Rail's taking temporary possession of the land and before or after the coming into force of the Order) between Network Rail and the person in or to whom the right of way in question is vested or belongs.

(4) If any such agreement as is mentioned in paragraph (3)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.