
STATUTORY INSTRUMENTS

2020 No. 1067

The Midland Metro (Wednesbury to
Brierley Hill Land Acquisition) Order 2020

PART 3

MISCELLANEOUS AND GENERAL

Protection for Network Rail

17.—(1) The Executive must not exercise the powers conferred by section 11(3) (powers of entry) of the 1965 Act in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The Executive must not under the powers of this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail.

(3) The Executive must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, as applied by Schedule 4 (provisions relating to statutory undertakers, etc.), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) Where Network Rail is asked to give its consent under paragraphs (1), (2) or (3), such consent must not be unreasonably withheld but may be given subject to reasonable conditions.

(5) The Executive and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the Executive of—

- (a) any railway property shown on the land plans and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property.

(6) In this article, “railway property” means any railway belonging to Network Rail and any station, land, works, apparatus and equipment belonging to Network Rail or connected with them and includes any land easement or other property interest held or used by Network Rail for the purposes of such railway or works, apparatus or equipment.