
STATUTORY INSTRUMENTS

2022 No. 1067

The Network Rail (Huddersfield to Westtown
(Dewsbury) Improvements) Order 2022

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Application of Part 1 of the 1965 Act

27.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the 1981 Act applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect with the following modifications.

(3) Omit section 4(1) (which provides a time limit for compulsory purchase of land).

(4) In section 4A(1)(2) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 4”, substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 40 (time limit for exercise of powers of acquisition) of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022”.

(5) In section 11(1B)(3) (powers of entry) in a case where the notice to treat relates only to the acquisition of an easement or other right over land, for “3 months” substitute “1 month”.

(6) In section 11A(4) (powers of entry: further notices of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”;
- (b) in subsection (2), after “land” insert “under that provision”.

(7) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 40 (time limit for exercise of powers of acquisition) of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022”.

(8) In Schedule 2A(5) (counter-notice requiring purchase of land not in notice to treat)—

- (a) for paragraphs 1(2) and 14(2) substitute—

(1) Section 182(1) of the Housing and Planning Act 2016 (c. 22).
(2) Section 4A was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).
(3) Subsection 11(1B) was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016 (c. 22).
(4) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).
(5) Schedule 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016 (c. 22).

“(2) But see articles 30(3) (power to acquire ground anchor rights), 31(4) (power to acquire subsoil and imposition of restrictive covenants) and 32(4) (power to acquire subsoil or airspace only) of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022, which exclude acquisition with respect to the acquisition of ground anchor rights and imposition of restrictive covenants only, the acquisition of subsoil and imposition of restrictive covenants only and the acquisition of subsoil or airspace only from this Schedule.”; and

(b) after paragraph 29, insert—

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 23 (protective works to buildings, roads and apparatus of a statutory undertaker), article 34 (temporary use of land for construction of works) or 35 (temporary use of land for maintenance of works) of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022.”