
STATUTORY INSTRUMENTS

2022 No. 299

The Bridgwater Tidal Barrier Order 2022

PART 4

ACQUISITION AND POSSESSION OF LAND

Supplementary

Extinction or suspension of private rights of way etc. over land

41.—(1) Subject to paragraph (5), all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

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

whichever is sooner.

(2) Subject to paragraph (5), all private rights of way over land owned by the Agency which, being within the Order limits, is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by the Agency.

(3) Subject to paragraph (5), all private rights of way over land of which the Agency takes temporary possession under this Order are suspended and unenforceable for as long as the Agency remains in lawful possession of the land.

(4) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act⁽¹⁾ (extinguishment of rights of statutory undertakers etc.) applies.

(5) Paragraphs (1), (2) and (3) have effect subject to—

- (a) any notice given by the Agency before—
 - (i) the completion of the acquisition of,
 - (ii) the Agency's appropriation of,
 - (iii) the Agency's entry onto, or
 - (iv) the Agency's taking temporary possession of,

the land, that any or all of those paragraphs do not apply to any right of way specified in the notice;

- (b) any agreement which makes reference to this article made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) between the Agency and the person in or to whom the right of way in question is vested or belongs.

(1) Section 272 was amended by paragraph 103 of Schedule 17 to the Communications Act 2003 (c. 21).

Status: This is the original version (as it was originally made).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

(6) If any such agreement as is mentioned in sub-paragraph (5)(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.

(7) Any person who suffers loss by the extinguishment or 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.