

**PART III**  
**ACQUISITION AND POSSESSION OF LAND AND RIGHTS**

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**ARTICLE 11**  
**Power to Acquire Land**

<sup>15</sup>  
~~is hereby authorised to~~  
~~acquire compulsorily~~

1. Subject to the provisions of the Act the Railway Undertaking ~~may acquire compulsorily~~ all or such part of the land and any substratum of land shown on the deposited plan and described in the Second Schedule and the rights in under or over land described in the Seventh Schedule as the Railway Undertaking may require for the construction operation improvement and maintenance of the railway works authorised by this Order and works incidental or ancillary thereto. ST&T
2. In relation to any such acquisition of land the provisions of sections 4 and 8 of the Railways Act 1851 shall not apply.

**ARTICLE 12**  
**Power to Temporarily Acquire and Occupy Land**

~~is hereby authorised to~~ ST&T

1. Subject to the provisions of the Act the Railway Undertaking ~~may~~ enter upon and take up and retain temporary possession and occupation of the land, or any part of the land, shown on the deposited plan and specified in the Tenth Schedule. ST&T
2. In particular, but without prejudice to the generality of paragraph 1 hereof, the Railway Undertaking ~~may~~ enter upon and take up and retain temporary possession and occupation of such land or any part of such land for the provision of working sites and access for construction purposes or for or in connection with the railway works authorised by this Order and for such purposes may construct or remove any structures thereon or therefrom, cut and remove anything growing on such land or part thereof, and generally do all such things to on beneath and with such land as may be required to adapt them for or to facilitate the execution of the said works ~~is hereby authorised to~~ ST&T
3. Before giving up possession of the land or any part of the land of which temporary possession and occupation may have been taken up pursuant to this Article the Railway Undertaking shall remove all temporary works and structures constructed by it on the said land and, subject to any contrary provision of this Order or any agreement to the contrary with the owners and occupiers of the said land, shall restore the said land to its former state as far as possible and as far as may be reasonably required to the reasonable satisfaction of the owners and occupiers.
4. The Railway Undertaking shall not be required to acquire any land of which temporary possession and occupation may have been taken up pursuant to this Article.
5. The Railway Undertaking shall pay to the owners and occupiers of land, of which it takes up temporary possession and occupation by virtue of this Article, such compensation for any loss thereby suffered as though it were loss suffered and the amount of the compensation determined in consequence of the exercise by the Railway Undertaking of a power conferred upon it by Section 48 of the Act.

### ARTICLE 13

#### Acquisition of Easements and other Rights over Land *is hereby authorised*

1. Subject to the provisions of the Act the Railway Undertaking ~~may~~ acquire compulsorily such rights over all or part of the land described in the Seventh Schedule as may be required for the purposes of the Railway or the railway works authorised by this Order *STET*

### ARTICLE 14

#### Extinguishment of Rights, including Rights of Way and Temporary Interference with Rights

1. The Railway Undertaking ~~may~~ *is hereby authorised* extinguish the public rights including the rights of way specified in part 1 of the Eighth Schedule. *STET*
2. The Railway Undertaking ~~may~~ *is hereby authorised* extinguish all private rights including the rights of way specified in part 2 of the Eighth Schedule. *STET*
3. The Railway Undertaking ~~may~~ *is hereby authorised* temporarily interfere with or stop up the rights of way specified in the Ninth Schedule of this Order. *STET*

### ARTICLE 15

#### Period within which the Railway Undertaking may Compulsorily Acquire Land and Interests in Land

1. The powers conferred by this Order to acquire compulsorily land or rights in relation to land and to enter upon and take up temporary possession of land shall cease at the end of the period of seven (7) years beginning on the day upon which this Order comes into force
2. The power to acquire compulsorily land or rights in relation to land shall, for the purpose of this Article, be deemed to have been exercised where Notice to Treat has been served in respect of such land or rights before the end of the period mentioned in paragraph 1 of this Article.
3. Notwithstanding paragraph 1 of this Article, the Railway Undertaking shall be entitled to remain in temporary possession and occupation of land pursuant to Article 12 of this Order after the end of the period mentioned in paragraph 1 of this Article where possession of such land was taken before the end of such period.

**PART IV**  
**MISCELLANEOUS AND GENERAL**

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**ARTICLE 16**  
**Interference with Apparatus**

1. Wherever the Railway Undertaking is authorised to execute works by virtue of this Order, and any apparatus will or may be affected in consequence thereof the following provisions shall apply:-
  - (a) Where land is acquired by or for the Railway Undertaking an Undertaker whose apparatus is under, in, over, along or across the said land or any part thereof may and, upon reasonable request by the Railway Undertaking, shall, without unreasonable delay, do one or more of the following:-
    - (i) remove the apparatus and place it or other apparatus in substitution for it in such other position or location as may be agreed with the Railway Undertaking.
    - (ii) take such further or other steps or make such further or other provision with the agreement of the Railway Undertaking as may secure the apparatus and the works of the Railway Undertaking and the proper functioning of each of them respectively from mutual interference or damage.
  - (a) Where the apparatus of an Undertaker is under, in, upon, over, along or across a public road, the Undertaker may and upon reasonable request by the Railway Undertaking shall without unreasonable delay do any one or more of the following:-
    - (i) remove the apparatus and place it or other apparatus in substitution for it in such other position or location as may be agreed with the Railway Undertaking.
    - (ii) take such further or other steps or make such further or other provision with the agreement of the Railway Undertaking as may secure the apparatus and the works of the Railway Undertaking and the proper functioning of each of them respectively from mutual interference or damage.
2.
  - (a) Subject to the provisions of sub-paragraph (b) hereof, the Railway Undertaking shall pay to the Undertaker an amount equal to the cost reasonably incurred by that Undertaker in the discharge of its obligations under paragraph (1) of this Article.
  - (b) Where an Undertaker, in the course of the discharge of its obligations under paragraph (1) hereof, provides, in substitution for existing apparatus, improved or superior apparatus whether because of its type, construction, design, layout, placement or any other feature, the sum payable by the Railway Undertaking pursuant to sub-paragraph (a) of this paragraph shall nevertheless not exceed the cost that would have been reasonably incurred by the Undertaker if the substituted apparatus had not been such improved or superior apparatus.
3. An Undertaker for the discharge of its obligations under paragraph 1 hereof may permit the Railway Undertaking to carry out or cause to be carried out such portion of those obligations as the Undertaker may agree in accordance with such conditions as may be agreed between the Railway Undertaking and the Undertaker, provided, however, that an Undertaker shall not be obliged to enter into any such agreement.