

(2) This article is subject to articles 25 (power to acquire new rights) and 28 (temporary use of land for construction of works), and does not apply to any land specified in Schedule 14 (temporary use of land for access).

Application of Part 1 of the 1965 Act

23.—(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 Acquisition of Land Act 1981(a) 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 subject to the following modifications.

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

(4) In section 4A(1)(b) (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 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020(c)”.

(5) In section 11(1B)(d) (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(e) (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 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020”.

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

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

“(2) But see article 26 (power to acquire subsoil or airspace only) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, which excludes 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 articles 28 (temporary use of land for construction of works) and 29 (temporary use of land for maintenance of works) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020.”

(a) 1981 c. 67.

(b) Subsection (1B) was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

(c) S.I. 2020/114.

(d) Subsection (1B) of section 11 was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016.

(e) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

(f) Schedule 2A was inserted by paragraph 3 of Schedule 3 to the Housing and Planning Act 2016.