
STATUTORY INSTRUMENTS

2017 No. 865

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Network Rail (Felixstowe Branch Line Land Acquisition) (Agreements for Transfer) Order 2017

Made - - - - - *31st August 2017*

Coming into force - - - - - *21st September 2017*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1) for an Order under sections 1 and 5 of the Transport and Works Act 1992(2) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 25th August 2017.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraph 15 of Schedule 1 to, the 1992 Act makes the following Order—

Citation and commencement

1. This Order may be cited as the Network Rail (Felixstowe Branch Line Land Acquisition) (Agreements for Transfer) Order 2017 and comes into force on 21st September 2017.

Interpretation

2. In this Order—

“the 2008 Order” means the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008(3);

(1) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755.
(2) 1992 c. 42. section 1 was amended by the Planning Act 2008 (c. 29), Schedule 2, paragraphs 51 and 52; section 5 was amended by S.I. 2012/1659.
(3) S.I. 2008/2512.

“the 2014 Order” means the Felixstowe Branch Line (Land Acquisition) Order 2014⁽⁴⁾;
“Network Rail” means Network Rail Infrastructure Limited (Company registration number 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN; and
“the undertaker” means the Felixstowe Dock and Railway Company being a company limited by shares and incorporated by the Felixstowe Railway and Pier Act 1875⁽⁵⁾ whose registered number is 02590042, and whose registered office is at Tomline House, The Dock, Felixstowe, Suffolk, IP11 3SY.

Agreements between the undertaker and Network Rail

3.—(1) In addition to the power to enter into agreements conferred under article 39 (agreements with Network Rail) of the 2008 Order, the undertaker and Network Rail may enter into and carry into effect agreements for the exercise by Network Rail, or by Network Rail and the undertaker jointly, of all or any of the powers under the 2014 Order.

(2) Any agreement made under the powers conferred by this article may contain such incidental, consequential or supplementary provisions as may be agreed between the undertaker and Network Rail, including (but without limitation on the scope of paragraph (1)) provision modifying references to the railway undertaking of the undertaker in articles 3(1) and 7(1) of the 2014 Order so as to include or substitute references to the railway undertaking of Network Rail.

(3) The exercise by the undertaker or Network Rail or by the undertaker and Network Rail jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (1) is subject to all statutory and contractual provisions relating to it as would apply if such powers and rights were exercised by the undertaker alone, and accordingly such provisions, with any necessary modifications, apply to the exercise of such powers and rights by the undertaker or Network Rail or by the undertaker and Network Rail jointly, as the case may be.

Signed by authority of the Secretary of State for Transport

Natasha Kopala
Head of the Transport and Works Act Orders
Unit
Department for Transport

31st August 2017

(4) S.I. 2014/1821.
(5) 1875 c.cxlvi.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the powers conferred under article 39 of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (“the 2008 Order”) to provide that Network Rail Infrastructure Limited (“Network Rail”) may enter into agreements with the Felixstowe Dock and Railway Company (“the undertaker”) for the exercise of the powers which are conferred on the undertaker by the Felixstowe Branch Line (Land Acquisition) Order 2014 (“the 2014 Order”).

The 2008 Order authorises the undertaker to construct railway works in the County of Suffolk and Borough of Ipswich and to compulsorily acquire land required for the purposes of those works. Article 39 of the 2008 Order provides that the undertaker and Network Rail may enter into and carry into effect agreements for the construction, maintenance and use of the authorised works by Network Rail or by the undertaker or by both of them jointly.

The powers conferred under the 2008 Order to construct the works (which have not been constructed) are not time limited. However, the Order provides for the powers to compulsorily acquire land to expire after the end of the period of 5 years from the coming into force of the Order and those powers therefore expired on 14th October 2013. The 2014 Order confers further powers of compulsory acquisition on the undertaker for the purposes of constructing the works authorised by the 2008 Order.

This Order extends article 39 of the 2008 Order to provide that Network Rail and the undertaker may enter into agreements for the compulsory acquisition and temporary possession of the lands authorised by the 2014 Order, as well as for the construction of the works authorised by the 2008 Order for which that land is required.