



# High Speed Rail (London - West Midlands) Act 2017

## 2017 CHAPTER 7

### *Nominated undertaker and other Phase One function-holders*

#### **45 Nominated undertaker**

- (1) The Secretary of State may by order—
  - (a) appoint a person specified in the order as the nominated undertaker for such purposes of such provisions of this Act as may be so specified;
  - (b) provide that an appointment under paragraph (a) ceases to have effect in such circumstances as may be specified in the order.
- (2) Where, in the case of any provision of this Act which refers to the nominated undertaker, there is any purpose of the provision for which no-one has been appointed as the nominated undertaker under subsection (1), any reference in the provision to the nominated undertaker is to be read, in relation to that purpose, as a reference to the Secretary of State.
- (3) The Secretary of State may fetter the exercise of his or her discretion under subsection (1) by agreement with a person who is, or is proposed to be, specified in an order under that subsection.
- (4) The Secretary of State may by order make such modifications of any provision of this Act referring to the Secretary of State, so far as applying for a purpose in relation to which subsection (2) has effect, as appear to the Secretary of State to be necessary or expedient in consequence of the Secretary of State's having functions by virtue of that subsection.
- (5) An order under this section may contain such supplementary, incidental, consequential or transitional provision as the Secretary of State considers necessary or expedient.
- (6) An order under this section must be made by statutory instrument.
- (7) A statutory instrument containing an order under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.

**46 Transfer schemes**

- (1) The Secretary of State may make schemes for the transfer of property, rights and liabilities—
  - (a) from High Speed Two (HS2) Limited, or
  - (b) from a body corporate which is a wholly-owned subsidiary of High Speed Two (HS2) Limited,to any person, including the Secretary of State.
- (2) In subsection (1), “wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006.
- (3) Schedule 31 contains further provision about schemes made under this section.