



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Temporary possession and use of land

15 Temporary possession and use of land

Schedule 16 contains provisions about temporary possession and use of land in connection with the works authorised by this Act.

16 Use of roads

- (1) The nominated undertaker may use any road situated on land specified in—
 - (a) the table in Schedule 8, or
 - (b) the table in paragraph 2 of Schedule 11,for the passage of persons or vehicles (with or without materials, plant or machinery) for Phase One purposes.
- (2) The power under subsection (1) may not be exercised after the end of five years beginning with the date on which Phase One of High Speed 2 is brought into general use.
- (3) The nominated undertaker must compensate the person having the management of a road to which subsection (1) applies for any loss which the person may suffer by reason of the exercise of the power under that subsection.
- (4) Any dispute as to a person's entitlement to compensation under subsection (3), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.

17 Cranes

- (1) The nominated undertaker may enter upon and use airspace above the surface of land specified in subsection (7) for the oversailing of cranes used by the nominated undertaker for Phase One purposes.
- (2) The power under subsection (1) is exercisable on giving at least 7 days' notice to the owners and occupiers of the land.
- (3) The nominated undertaker may not, without the agreement of the owners of the land, use airspace above the surface of the land as mentioned in subsection (1) after the end of 7 days beginning with the date of completion of the activities for which the crane has been used.
- (4) The nominated undertaker must pay compensation to the owners and occupiers of land above which the power under subsection (1) is exercised for any loss which they may suffer by reason of the exercise of that power.
- (5) Any dispute as to a person's entitlement to compensation under subsection (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (6) Nothing in this section affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) or under any other enactment, otherwise than for loss for which compensation is payable under subsection (4).
- (7) This is the land referred to in subsection (1)—

<i>Area</i>	<i>Number of land shown on deposited plans</i>
London Borough of Camden	865, 866, 877 to 888, 890, 895 to 898, 902, 903, 909, 913 to 915, 922 to 925, 927, 929 to 931, 943, 944, 956, 957, 969, 1039, 1046, AP3-1
London Borough of Hillingdon	581, 582, 589, 592, 596, 599

18 Enforcement of restrictions on land use

- (1) This section applies where—
 - (a) a prohibition or restriction on the use of land is imposed by a covenant or agreement between a person interested in the land (“the promisor”) and the Secretary of State, and
 - (b) the covenant or agreement is made for Phase One purposes.
- (2) The Secretary of State may enforce the prohibition or restriction against persons deriving title from or under the promisor in respect of land to which it relates as if—
 - (a) the Secretary of State were possessed of adjacent land, and
 - (b) the covenant or agreement had been expressed to be made for the benefit of such land.
- (3) Section 2(c) of the Local Land Charges Act 1975 (under which a prohibition or restriction enforceable by a Minister of the Crown under a covenant or agreement is not a local land charge if binding on successive owners because made for the benefit of land of the Minister) does not apply to the prohibition or restriction.

19 Compensation for injurious affection

Section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of works under this Act by the nominated undertaker, as if for “acquiring authority have” there were substituted “nominated undertaker has”.