***Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, SCHEDULE 13. (See end of Document for details)*

SCHEDULES

SCHEDULE 13

Section 10

RIGHT TO REQUIRE ACQUISITION WHERE TIME LIMIT EXTENDED

1 (1) If the Secretary of State makes an order under section 10(2), the following provisions have effect as from the coming into force of the order.

(2) Those provisions do not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than 9 metres below the level of the surface of the land.

2 (1) Sub-paragraph (2) applies if a person with a qualifying interest in any of the land in relation to which the order is made gives notice to the Secretary of State (a ““relevant notice””) that the person desires his or her interest in such of that land as is specified in the notice to be acquired by the Secretary of State.

(2) The Secretary of State must, within 3 months immediately following receipt of the relevant notice—

(a) enter into an agreement with the person for the acquisition of the person's interest in the whole or part of the land specified in the notice,

(b) exercise the applicable compulsory acquisition powers in respect of the person's interest in the whole or part of that land, or

(c) give the person notice of the Secretary of State's intention not to proceed with the purchase of the person's interest in any of that land.

(3) For the purposes of sub-paragraph (1) a person has a ““qualifying interest”” in land if the person is the owner or lessee of the land.

3 (1) Where a person gives the Secretary of State a relevant notice and the Secretary of State—

(a) fails to comply with the requirements of sub-paragraph (2) of paragraph 2,

(b) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph, or

(c) gives the person a notice under paragraph (c) of that sub-paragraph,

the applicable compulsory acquisition powers cease to be exercisable in respect of that person's interest in any of the land specified in the relevant notice.

(2) Where—

(a) a person gives the Secretary of State a relevant notice, and

(b) the Secretary of State acquires in pursuance of paragraph 2(2)(a) or (b) the person's interest in some, but not all, of the land specified in the notice,

the applicable compulsory acquisition powers cease to be exercisable in respect of that person's interest in the remainder of that land.

4 (1) References in this Schedule to the ““applicable compulsory acquisition powers”” are to—

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(a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), and

(b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 4(4) to the acquisition of land under section 4(1).

(2) In this Schedule—

“"lessee”” means a person who holds an interest under a lease which has at least 21 years to run at the date of the giving of a relevant notice by that person;

“"owner””, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion.

Changes to legislation:
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