
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 14

AMENDMENTS CONSEQUENTIAL ON THE HOUSING AND PLANNING ACT 2016

5 (1) Paragraph 2 of Schedule 6 (acquisition of land: application of Compulsory Purchase Act 1965) is amended as follows.

(2) For sub-paragraph (3) substitute—

“(3) In section 11(1B) (power to enter on and take possession of land the subject of a notice to treat after giving the specified notice)—

(a) in a case where the notice to treat relates only to one or more of the following—

(i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 9 metres below the surface;

(ii) the acquisition of airspace over land;

(iii) an easement, restrictive covenant or other right over land, for ““3 months”” substitute “ 1 month ”, and

(b) after ““11A(4)”” insert “ or (6) and (7) ”.”

(3) After that sub-paragraph insert—

“(3A) In section 11A (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, to the extent that the newly identified person is the owner, lessee or occupier of the land, ”,

(c) in subsection (4)(a), for ““14 days”” substitute “ 7 days ”, and

(d) at the end insert—

“(5) Subsections (6) and (7) apply for the purposes of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person in a case where subsection (4) does not apply.

(6) The period specified in the notice must be—

(a) in a case where the notice to treat relates only to one or more of the following—

(i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 9 metres below the surface;

(ii) the acquisition of airspace over land;

(iii) an easement, restrictive covenant or other right over land,

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a period that ends no earlier than the end of the period of 7 days beginning with the day on which the notice of entry is served, and

- (b) in any other case, a period that ends no earlier than the end of the period of 28 days beginning with the day on which the notice of entry is served.

- (7) The period specified in the notice must end no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.””

- (4) After sub-paragraph (4) insert—

“(4A) In Schedule 2A (proposal to acquire part only of a house, building or factory)

- (a) omit paragraphs 1(2) and 14(2), and
 (b) at the end insert—

“PART 4

INTERPRETATION

- 30 In this Schedule, references to entering on and taking possession of land do not include doing so under Schedule 16 to the High Speed Rail (London - West Midlands) Act 2017 (temporary possession and use of land).””

- (5) Omit sub-paragraph (5).

Commencement Information

II Sch. 14 para. 5 in force at 24.2.2017 by S.I. 2017/209, reg. 2

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