

SCHEDULES

SCHEDULE 16

TEMPORARY POSSESSION AND USE OF LAND

PART 3

SUSPENSION OF RIGHTS AND ENFORCEMENT

Suspension of rights relating to land

- 9 (1) All private rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 7 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land.
- (2) The nominated undertaker may, in relation to a private right, direct—
- (a) that sub-paragraph (1) does not apply to the right, or
 - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction.
- (3) In this paragraph, “private rights” include—
- (a) private rights of way over land,
 - (b) rights of common,
 - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and
 - (d) restrictions as to the user of land arising under a contract.
- (4) Any person who suffers loss by reason of the suspension of a right under sub-paragraph (1) is entitled to be compensated by the nominated undertaker.
- (5) Any dispute as to a person’s entitlement to compensation under sub-paragraph (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) This paragraph applies to a private right which is for the benefit of Crown land if the Crown authority consents (and consent may be subject to conditions).
- 10 (1) All general rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 7 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land.
- (2) The nominated undertaker may, in relation to a general right, direct—
- (a) that sub-paragraph (1) does not apply to the right, or
 - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction.
- (3) In this paragraph, references to “general rights” over land are to—

Status: This is the original version (as it was originally enacted).

- (a) rights to access land (however expressed) which are exercisable as a result of section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act,
- (b) other public rights over land which are conferred by an enactment, and
- (c) rights exercisable as a result of trusts or incidents to which a common, town or village green, open space or allotment is subject.

Enforcement

- 11 (1) Section 13 of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority) applies for the purposes of this Schedule as if—
- (a) references to the acquiring authority were to the nominated undertaker,
 - (b) references to compensation payable to the person refusing to give possession were to compensation payable under this Schedule, and
 - (c) in subsection (1), for “this Act” there were substituted “Schedule 16 to the High Speed Rail (London - West Midlands) Act 2017”.
- (2) In the case of Crown land, that section does not, by virtue of sub-paragraph (1), apply as against the Crown authority for that land.