
STATUTORY INSTRUMENTS

2018 No. 693

**The High Speed Rail (London – West Midlands)
(Greatmoor Railway Sidings Etc.) Order 2018**

PART 3

ACQUISITION OF LAND

Powers of acquisition

Power to acquire land

7.—(1) The Secretary of State may acquire compulsorily—

- (a) so much of the land shown on the deposited plans which is within the limits of deviation as land to be acquired compulsorily and described in the book of reference as may be required for the purposes of the authorised works; and
- (b) so much of the land specified in columns (1) and (2) of Schedule 2 (acquisition of certain lands for ancillary works) (being land shown on the deposited plans and described in the book of reference) as may be required for the purposes specified in relation to that land in column (3) of that Schedule,
- (c) and may use any land so acquired for those purposes or for any other purposes ancillary to Phase One purposes.

(2) No interest in Crown land may be acquired and no authorised works may be carried out on Crown land pursuant to this Order unless the appropriate Crown authority consents to the acquisition of that Crown land to enable the authorised works.

(3) This article is subject to article 10 (power to acquire new rights).

Application of Part 1 of the 1965 Act

8.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect with the following modifications.

(3) Omit section 4 (which provides a time limit for compulsory purchase of land).

(4) In section 4A(1)(c)(2) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase

(1) 1981 c. 67.

(2) As inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

order), the three year period mentioned in section 4”, substitute “section 22 (validity of orders under section 1 or 3) of the Transport and Works Act 1992, the five year period mentioned in article 15 (time limit for exercise of powers of acquisition) of the High Speed Rail (London – West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018(3)”.

(5) In section 11(1B)(4) (power to enter on and take possession of land the subject of a notice to treat after giving the specified notice), in a case where the notice to treat relates only to the acquisition of an easement or other right over land, for “3 months” substitute “1 month”.

(6) In section 11A(5) (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”.

(7) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 15 (time limit for exercise of powers of acquisition) of the High Speed Rail (London – West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018”.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

9.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(6) applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

(3) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words “: and this subsection” to the end.

(4) Omit section 5A(7) (time limit for general vesting declaration).

(5) In section 5B(8) (extension of time limit during challenge), for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 15 (time limit for exercise of powers of acquisition) of the High Speed Rail (London – West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018”.

(6) In section 6(9) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of the Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 14A of the Transport and Works Act 1992”.

(7) In section 7(10) (constructive notice to treat) in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(8) References to the 1965 Act are to be construed as references to that Act as applied to the acquisition of land under article 7 (power to acquire land).

(3) [S.I. 2018/693](#).

(4) Subsection (1B) of section 11 was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016.

(5) As inserted by section 186(3) of the Housing and Planning Act 2016.

(6) [1981 c. 66](#).

(7) As inserted by section 182(2) of the Housing and Planning Act 2016.

(8) As inserted by section 202(2) of the Housing and Planning Act 2016.

(9) As amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.

(10) As amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016.

Power to acquire new rights

10.—(1) The Secretary of State may acquire compulsorily such easements or other rights over any land referred to in paragraph (1)(a) or (b) of article 7 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) The terms of an easement created under paragraph (1) may include terms imposing a restrictive covenant for the purpose of making the easement effective.

(3) In the case of the land specified in columns (1) and (2) of Schedule 5 (land in which only new rights may be acquired) the Secretary of State's powers of compulsory acquisition are limited to the acquisition of such new rights as may be required for the purpose specified in relation to that land in column (3) of that Schedule.

(4) Subject to Schedule 2A (counter-notice requiring purchase of land) of the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)) where the Secretary of State acquires a right over land under paragraph (1) or (2) the Secretary of State is not required to acquire a greater interest in that land.

(5) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.