High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2)
SCHEDULE 15 – *Temporary possession and use of land*
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S C H E D U L E S

SCHEDULE 15

TEMPORARY POSSESSION AND USE OF LAND

PART 1

TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

Exceptions

2 (1) Paragraph 1(2) does not apply in relation to—

   (a) land which is subject to a restricted power of compulsory acquisition,

   (b) land in respect of which a notice of entry has been served under section 11 of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant, or

   (c) land in respect of which a declaration has been made 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)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant.

   (2) The power under section 4(1) (power to acquire land compulsorily) is not exercisable in relation to land specified in the table in Schedule 16.

   (3) But sub-paragraph (2) does not apply in relation to land specified in that table to the extent (if any) that the land is subject to a restricted power of compulsory acquisition.

   (4) For the purposes of this Schedule, land is subject to a restricted power of compulsory acquisition if the power under section 4(1) may be exercised in relation to the land only—

   (a) so as to acquire rights or impose restrictive covenants relating to the land (see section 5(2));

   (b) so as to acquire the subsoil or under-surface of the land (ignoring the power by virtue of section 5(1)(b) to impose restrictive covenants over the land).