



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Extinction and exclusion of rights over land

12 Extinction of rights over land

Schedule 15 contains provision about the extinction of private and other rights over land.

13 Extinction of rights of statutory undertakers

(1) Sections 271 to 273 of the Town and Country Planning Act 1990 (extinguishment of rights of statutory undertakers etc) apply in relation to land held by the Secretary of State as being land which is required for or in connection with the works authorised by this Act as they apply in relation to land acquired or appropriated as mentioned in section 271(1) of that Act.

(2) In their application by virtue of subsection (1)—

(a) sections 271 to 273 of the Town and Country Planning Act 1990 have effect as if references to the acquiring or appropriating authority were to the nominated undertaker, and

(b) sections 271 and 272 of that Act also have effect as if—

(i) in subsection (2), for the words from “with” to “appropriated” there were substituted “authorised by the High Speed Rail (London - West Midlands) Act 2017”, and

(ii) in subsection (5), for the words from “local” to “or undertakers” there were substituted “a person other than a Minister, the Minister”.

(3) Any reference in the Town and Country Planning Act 1990 to section 271, 272 or 273 (including a reference to a provision of any of those sections) includes a reference to that section (or provision) as applied by subsection (1).

(4) In their application by virtue of subsection (3)—

- (a) section 274(3) of the Town and Country Planning Act 1990 has effect as if for “local authority or statutory undertakers” there were substituted “person”, and
- (b) sections 274(5), 279(2) to (4) and 280(6) of that Act have effect as if references to the acquiring or appropriating authority were to the nominated undertaker.

14 Exclusion of new rights of way

- (1) No right of way may be acquired by prescription or user over land which—
 - (a) forms an access or approach to any railway infrastructure, and
 - (b) falls within subsection (2).
- (2) Land falls within this subsection if it is within the Act limits and—
 - (a) the land, or a right of way over the land, has been acquired under this Act,
 - (b) the land, or a right of way over the land, is acquired by the Secretary of State for Phase One purposes otherwise than under this Act on or after the day on which this Act comes into force, or
 - (c) the land, or a right of way over the land, was held by the Secretary of State for Phase One purposes immediately before that day.
- (3) In subsection (1) “railway infrastructure” means any building, structure, railway track or other work used, or intended to be used, for Phase One purposes.