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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, SCHEDULE 6. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 6

Section 4(5)

#### ACQUISITION OF LAND: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

##### *Land Clauses Consolidation Act 1845 (c. 18)*

- 1 The Land Clauses Consolidation Act 1845 does not apply to the acquisition of land under section 4(1).

##### *Compulsory Purchase Act 1965 (c. 56)*

- 2 (1) In its application by virtue of section 4(3), the Compulsory Purchase Act 1965 has effect as if it were subject to the following modifications.

(2) Omit section 4 (time for exercise of compulsory purchase powers).

[<sup>F1</sup>(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) ”.]

[<sup>F2</sup>(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;

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- (ii) the acquisition of airspace over land;
  - (iii) an easement, restrictive covenant or other right over land,
- 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) 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 “ section 10(1) of the High Speed Rail (London - West Midlands) Act 2017 ”.
- [<sup>F3</sup>(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).”]

<sup>F4</sup>(5) .....

#### Textual Amendments

- F1** Sch. 6 para. 2(3) substituted (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 5(2)**; S.I. 2017/209, reg. 2
- F2** Sch. 6 para. 2(3A) inserted (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 5(3)**; S.I. 2017/209, reg. 2
- F3** Sch. 6 para. 2(4A) inserted (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 5(4)**; S.I. 2017/209, reg. 2
- F4** Sch. 6 para. 2(5) omitted (24.2.2017) by virtue of High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 5(5)**; S.I. 2017/209, reg. 2

#### *Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)*

- [<sup>F5</sup>3 In its application by virtue of section 4(4), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect as if—
- (a) before section 4 there were inserted section 3A (as set out in paragraph 7 of Schedule 14),

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- (b) sections 5 and 5A (which respectively set out the earliest date, and the time limit, for the execution of a general vesting declaration) were omitted,
- (c) in section 6 (notices after execution of general vesting declaration), the reference to the invitation under section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981 were a reference to the invitation under section 3A(3) (as inserted by paragraphs 6 and 7 of Schedule 14),
- (d) in section 9 (minor tenancies and tenancies about to expire: power to enter on and take possession of land the subject of a notice to treat after giving the specified notice), for ““3 months”” there were substituted “ 14 days ”,
- (e) in Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration), paragraph 1(2) were omitted, and
- (f) references to the Compulsory Purchase Act 1965 were to that Act as applied by section 4(3) to the acquisition of land under section 4(1).]

#### Textual Amendments

- F5** Sch. 6 para. 3 substituted (24.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\), s. 70\(2\)](#), [Sch. 14 para. 6](#) (with [Sch. 14 para. 7](#)); S.I. 2017/209, reg. 2

#### *Acquisition of Land Act 1981 (c. 67)*

- 4 (1) Section 4 of the Acquisition of Land Act 1981 (assessment of compensation in relation to compulsory purchase where unnecessary things done with view to obtaining compensation) has effect in relation to a compulsory purchase under this Act as if it were a compulsory purchase for the purposes of that Act.
- (2) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of working of mines or minerals underlying an authorised undertaking) have effect in relation to land to which section 4(1) applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.
- (3) In their application by virtue of sub-paragraph (2), Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 have effect as if—
- (a) references to the acquiring authority, except the second reference in paragraph 6, were to the nominated undertaker, and
  - (b) references to the undertaking were to the undertaking which the nominated undertaker is authorised by this Act to carry on.

**Changes to legislation:**

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