



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Compulsory acquisition of land

9 Highway subsoil

- (1) The nominated undertaker may enter upon, take and use for the purposes of the works authorised by this Act so much of the subsoil of any highway within the Act limits as is required for the purposes of the construction or maintenance of those works, without being required to acquire that subsoil or any interest in it.
- (2) Subsection (1) does not apply in relation to any cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway.
- (3) In the case of land specified in the table in Schedule 12—
 - (a) the power under subsection (1) is not exercisable in relation to the subsoil of a highway comprised in the land, and
 - (b) the power under section 4(1) is not exercisable in relation to the land so far as the surface of the land is comprised in a highway.
- (4) Subsection (3)(b) does not restrict the exercise of the power under section 4(1) in relation to a cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway where—
 - (a) the building is within the Act limits, and
 - (b) the power under section 4(1) is exercisable in relation to the building.
- (5) In the case of a highway comprised in land specified in the table in paragraph 1 of Schedule 11, the power under subsection (1) is exercisable only in relation to so much of the subsoil of the highway as lies more than 9 metres beneath the level of the surface of the highway.
- (6) The restrictions imposed by subsections (3) and (5) on the power under subsection (1) do not affect the power under paragraph 7(1) of Schedule 4 (power of nominated undertaker to enter upon highway to carry out certain street works).

Status: This is the original version (as it was originally enacted).

- (7) The nominated undertaker must compensate any person who—
- (a) is an owner or occupier of land in respect of which the power under subsection (1) is exercised, and
 - (b) suffers loss by the exercise of that power.
- (8) Any dispute as to a person's entitlement to compensation under subsection (7), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (9) Compensation is not payable under subsection (7) to any person who is an undertaker to whom section 85 of the New Roads and Street Works Act 1991 applies (sharing of cost of necessary measures) in respect of measures of which the allowable costs are to be borne in accordance with that section.