

SCHEDULES

SCHEDULE 2

WORKS

Exercise of powers of entry under paragraphs 2 to 7

- 8 (1) This paragraph applies where the nominated undertaker has a power to enter land under any provision of paragraphs 2 to 7.
- (2) The following provisions of Part 7 of the Housing and Planning Act 2016 (compulsory purchase etc) apply in relation to the exercise of the power as they apply in relation to the exercise of the power conferred by section 172(1) of that Act to enter and survey or value land—
- section 172(2), (3) and (5) (right to enter and survey land);
 - section 173 (warrant authorising use of force to enter and survey land);
 - section 174(4) (copy of warrant to be given to those to whom notice of entry is given);
 - section 175 (enhanced authorisation procedures etc for certain surveys);
 - section 176 (right to compensation after entry on or survey of land);
 - section 177 (offences in connection with powers to enter land).
- (3) The following modifications have effect for the purposes of the application of the provisions of the Housing and Planning Act 2016 specified in sub-paragraph (2)—
- (a) references to the acquiring authority are to be read as references to the nominated undertaker;
 - (b) references to—
 - (i) a person authorised in writing by the acquiring authority, or
 - (ii) a person exercising or seeking to exercise the power conferred by section 172(1) of the Housing and Planning Act 2016,are to be read as references to the nominated undertaker or (as the case may be) to a person authorised to exercise the power on the nominated undertaker's behalf;
 - (c) where the person exercising or seeking to exercise the power is the nominated undertaker, section 172(3)(a) is to be read as if it required the nominated undertaker to produce evidence of authority to enter the land;
 - (d) the reference in section 174(4) to a notice given in accordance with section 174(1) is to be read as a reference to the notice required in relation to the exercise of the power of entry in question (and the reference in section 175(1)(b) to the notice period mentioned in section 174(1) is to be construed accordingly);
 - (e) references in section 175(3) to a survey are to be read as including references to the activity for the purposes of which the nominated undertaker has the power to enter land.

Changes to legislation:

There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Exercise of powers of entry under paragraphs 2 to 7.