
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments. (See end of Document for details)

SCHEDULES

SCHEDULE 9

ACQUISITION OF RIGHTS IN LAND ETC: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments

- 3 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”), as applied by section 4(4) to the acquisition of land under section 4(1), applies to a compulsory acquisition under section 4(1) by virtue of section 5—
- (a) with the modifications specified in paragraph 4, and
 - (b) with such other modifications as may be necessary.
- (2) The enactments relating to compensation for the compulsory purchase of land also apply to a compulsory acquisition under section 4(1) by virtue of section 5.
- 4 (1) The modifications referred to in paragraph 3(1)(a) are as follows.
- (2) References in the 1981 Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—
- (a) the right acquired or to be acquired or (as the case may be) the restrictive covenant imposed or to be imposed, or
 - (b) the land over which the right is, or is to be, exercisable or (as the case may be) the restrictive covenant is, or is to be, enforceable.
- (3) References in the 1981 Act to the Compulsory Purchase Act 1965 are to be read as references to that Act as it applies to a compulsory acquisition under section 4(1) by virtue of section 5.
- (4) Section 8(1) of the 1981 Act (vesting, and right to enter and take possession) is modified so as to secure—
- (a) that a general vesting declaration in respect of any right or restrictive covenant vests the right or the benefit of the covenant in the acquiring authority on the vesting date, and
 - (b) that, as from the vesting date, the acquiring authority have power, exercisable in the same circumstances and subject to the same conditions, to enter land for the purpose of exercising that right or enforcing that covenant as if the circumstances mentioned in section 8(1)(a) and (b) of the 1981 Act had arisen.
- (5) Section 9(2) of the 1981 Act (right of entry under section 8(1) not exercisable in respect of land subject to certain tenancies, unless notice has been served on occupiers of the land) is modified so as to require a notice served by the appropriate authority under that provision to refer to the authority's intention to enter land specified in the notice in order to exercise the right or enforce the restrictive covenant.

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- (6) In section 10(1) of the 1981 Act (acquiring authority's liability on vesting of land), the reference to the acquiring authority's taking possession of the land under section 11(1) of CPA 1965 is to be read instead as a reference to the authority's exercising the power to enter the land under that provision as modified by paragraph 2(5) of this Schedule.
- (7) Schedule A1 to the 1981 Act (counter-notice requiring purchase of land not in general vesting declaration) has effect as if—
- (a) in paragraph 1(1), for “part only of” there were substituted “ only the acquisition of a right over, or the imposition of a restrictive covenant affecting, ”,
 - (b) paragraph 1(2) were omitted,
 - (c) references to the land proposed to be acquired were (subject to paragraph (e) below) to the right proposed to be acquired or the restrictive covenant proposed to be imposed,
 - (d) references to the additional land were to the house, building or factory over which the right or covenant is proposed to be exercisable or enforceable,
 - (e) in paragraphs 14 and 15, references to the severance of the land proposed to be acquired were to the acquisition of the right or the imposition of the restrictive covenant, and
 - (f) in paragraph 15, after “in addition to” there were substituted “ or in substitution for ”.

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