

ENVIRONMENT & INFRASTRUCTURE

TRANSPORT

HS2

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017 COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981 TO: PERSONS HAVING A RELEVANT INTEREST IN THE LAND DESCRIBED IN THE SCHEDULE HERETO

1. The High Speed Rail (London – West Midlands) Act 2017 ("the High Speed Rail Act") received Royal Assent on 23 February 2017.
2. The Secretary of State for Transport (the "Acquiring Authority") is authorised under section 4 of the High Speed Rail Act to exercise powers under section 4(1) of the High Speed Rail Act to acquire compulsorily so much of the land within the limits of the High Speed Rail Act as may be required for Phase One purposes¹.
3. By virtue of section 4(4) of the High Speed Rail Act, the Compulsory Purchase (Vesting Declarations) Act 1981 ("the 1981 Act") applies as if the High Speed Rail Act were a compulsory purchase order.
4. By virtue of paragraph 4(2) of Schedule 6 to the High Speed Rail Act, 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) of the High Speed Rail Act applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.
5. Paragraph 2(1) of Part 2 of Schedule 2 to the Acquisition of Land Act 1981 provides that an acquiring authority shall not be entitled to any mines under the land comprised in the compulsory purchase order unless they have been expressly purchased, and all mines under the land are to be deemed to be excepted out of the conveyance of that land unless expressly named and conveyed. Paragraph 3 of Part 3 of Schedule 2 to the Acquisition of Land Act 1981 makes provision where the owner of any mines or minerals in the land desires to work them.
6. Pursuant to section 3A of the 1981 Act² before making a general vesting declaration ("GVD") under section 4 of the 1981 Act the Acquiring Authority must, in a notice which is (a) given to every person with a relevant interest in the land with respect to which a GVD is to be made (other than a mortgagee who is not in possession); and (b) published in the London Gazette, include the particulars in section 3A(3) of the 1981 Act³.
7. Notice pursuant to section 3A of the 1981 Act was first given and published in respect of the land described in Schedule 1 hereto ("Land") on 31 January 2020.
8. Having given and published notice pursuant to section 3A of the 1981 Act on 31 January 2020 in exercise of the powers conferred on it by section 4 of the 1981 Act, the Acquiring Authority executed a GVD on 20 February 2020 to vest in the Acquiring Authority the Land together with the right to enter upon and take possession of the Land ("GVD 383") and the Land vested in the Acquiring Authority on 27 May 2020. The mines and minerals in the Land were not expressly named in GVD 383, so by virtue of the operation of paragraph 4(2) of Schedule 6 to the High Speed Rail Act and 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 and minerals underlying an authorised undertaking), the mines and minerals did not vest in the Acquiring Authority.

9. It is now expedient that such mines and minerals should be vested in the Acquiring Authority and for the avoidance of doubt, further notice is hereby given pursuant to section 3A of the 1981 Act⁴ that the Acquiring Authority intends to execute a GVD to acquire the freehold mines and minerals comprised in the Land, together with the right to take possession of the mines and minerals, to win and work them and all related ancillary rights.

10. Pursuant to section 3A(3) of the 1981 Act, a Statement of the Effect of Parts 2 and 3 of the 1981 Act is contained in Part 1 of Schedule 2 to this notice, which provides an explanation of the process for and effect of a GVD in respect of the mines and minerals in the Land described in Schedule 1 hereto. Part 1 of Schedule 2 to this notice also invites any person who would be entitled to claim compensation if a GVD were executed under section 4 of the 1981 Act to give the Acquiring Authority information about the person's name, address and interest in the land using the form set out in Part 2 of Schedule 2.

11. For the avoidance of doubt, the Acquiring Authority intends to purchase the freehold mines and minerals together with the right to take possession of the mines and minerals, to win and work them and all related ancillary rights, in the land described in Schedule 1 hereto and, if so, will expressly name them in the GVD.

SCHEDULE 1 DISTRICT OF LICHFIELD

(1) Plot No	(2) Description
06204	All those mines and minerals beneath grassland and wooded area (A38) being part of HM Land Registry title number SF626843
06205	All those mines and minerals beneath garden (Streethay Cottage) (A38) being part of HM Land Registry title number SF200220
06206	All those mines and minerals beneath private access track and wooded area (A38) being part of HM Land Registry title number SF253906
06207	All those mines and minerals beneath house and garden (Field Cottage) (A38)
06208	All those mines and minerals beneath garden (Streethay Cottage) (A38) being part of HM Land Registry title number SF200220
06209	All those mines and minerals beneath garden (Streethay Cottage) and part of premises (Field Cottage) (A38) being part of HM Land Registry title number SF253906
06210	All those mines and minerals beneath grassland and wooded area (Thompson Way)(A38) being part of HM Land Registry title number SF616314
06211	All those mines and minerals beneath agricultural land (A38) being part of HM Land Registry title number SF253906
06318	All those mines and minerals beneath grassland and wooded area (A38) being part of HM Land Registry title number SF643553
09153	All those mines and minerals beneath public road and verges (Thompson Way)(A38) being part of HM Land Registry title number SF616314