

## HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

### HIGH SPEED RAIL (LONDON – WEST MIDLANDS) GENERAL VESTING DECLARATION No. 124

This **GENERAL VESTING DECLARATION** is executed on 11th February 2019 by the Secretary of State for Transport (“the Authority”).

#### WHEREAS:

- (1) On 23 February 2017 the High Speed Rail (London – West Midlands) Act 2017 (“the High Speed Rail Act”) received Royal Assent authorising the Authority to acquire the land specified in the Schedule hereto.
- (2) Section 4(1) of the High Speed Rail Act authorises the Authority to acquire compulsorily so much of the land within the limits of the High Speed Rail Act as may be required for Phase One purposes<sup>1</sup>.
- (3) Section 4(4) of the High Speed Rail Act provides that the Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”) applies as if the High Speed Rail Act were a compulsory purchase order and paragraph 3<sup>2</sup> of Schedule 6 to the High Speed Rail Act provides that the 1981 Act shall have effect subject to the modifications specified in that paragraph.
- (4) Notice pursuant to section 3A<sup>3</sup> of the 1981 Act was first published on 05 October 2017. That notice included the particulars specified in section 3A(3) of the 1981 Act.
- (5) Having given and published notice pursuant to section 3A of the 1981 Act on 5 October 2017, in exercise of the powers conferred on it by section 4 of the 1981 Act, the Authority executed a general vesting declaration on 24 November 2017 (“the Declaration”) to vest in the Authority the land specified in the Schedule to the Declaration (“the land”) together with the right to enter upon and take possession of the land.
- (6) Having completed service of the notice required by section 6 of the 1981 Act on 29 November 2017, the land vested in the Authority on 01 March 2018. Title to the freehold of the land is now registered in the Authority under HM Land Registry title number BM423765.
- (7) By 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 and 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.

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<sup>1</sup> Phase One Purposes has the meaning given by section 67 of the High Speed Rail Act.

<sup>2</sup> Paragraph 3 as substituted by section 11 of, and paragraph 6 of Schedule 14 to, the High Speed Rail Act.

<sup>3</sup> Section 3A of the 1981 Act as inserted by paragraph 3(a) of Schedule 6 to the High Speed Rail Act as substituted by section 11 of, and paragraphs 6 and 7 of Schedule 14 to, that Act.

- (8) Paragraph 2(1) of Part 2 of Schedule 2 to the Acquisition of Land Act 1981 provides that an acquiring authority<sup>4</sup> 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 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 makes provision where the owner of any mines or minerals in the land desires to work them.
- (9) Mines in the land have not been so expressly purchased and were not so expressly named and conveyed and the Authority's title to the freehold of the land registered under HM Land Registry title number BM423765 excepts the mines and minerals together with ancillary powers of working them.
- (10) The land forms part of land which is included within the title to freehold land registered under HM Land Registry title number BM92250 but in respect of that part, only the freehold mines and minerals are included in the title.
- (11) It is expedient that such mines and minerals should be vested in the Authority and the Authority is to expressly purchase the freehold mines and minerals comprised in the land, together with the right to win and work them.

**NOW THIS DEED WITNESSETH** that, in exercise of the powers conferred on it by section 4 of the 1981 Act, the Authority hereby declares:-

1. The freehold mines and minerals comprised in the land described in the Schedule hereto (being part of the land authorised to be acquired by the High Speed Rail Act) and more particularly delineated and shown coloured pink on the plan annexed hereto, together with the right to win and work such mines and minerals and all related ancillary rights shall vest in the Authority as from the end of the period of three months from the date on which the service of notices required by section 6<sup>5</sup> of the 1981 Act is completed.

For the purposes of Section 2(2) of the 1981 Act, the specified period in relation to the land comprised in this declaration is one year and one day.

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<sup>4</sup> Paragraph 4(3) of Schedule 6 to the High Speed Rail Act provides for Parts 2 and 3 of the Acquisition of Land Act 1981 to have effect as if references to the acquiring authority were to the Nominated Undertaker appointed under section 45(1) of the High Speed Rail Act.

<sup>5</sup> Section 6 as modified by paragraph 3(c) of Schedule 6 to the High Speed Rail Act, as substituted by section 11 of, and paragraph 6 of Schedule 14 to, that Act.

## SCHEDULE

District of Aylesbury Vale

| (1) Plot No. | (2) Description   |
|--------------|---|
| 14235        | 6437.2 square metres of agricultural land forming the freehold mines and minerals part of HM Land Registry title number BM92250 being the land within that part of the title shown edged blue on the title plan |

**IN WITNESS WHEREOF** the Secretary of State for Transport has hereunto set its corporate seal on the day in the year first written above.

The **CORPORATE SEAL** of the SECRETARY OF STATE FOR TRANSPORT hereunto affixed to this deed is authenticated by

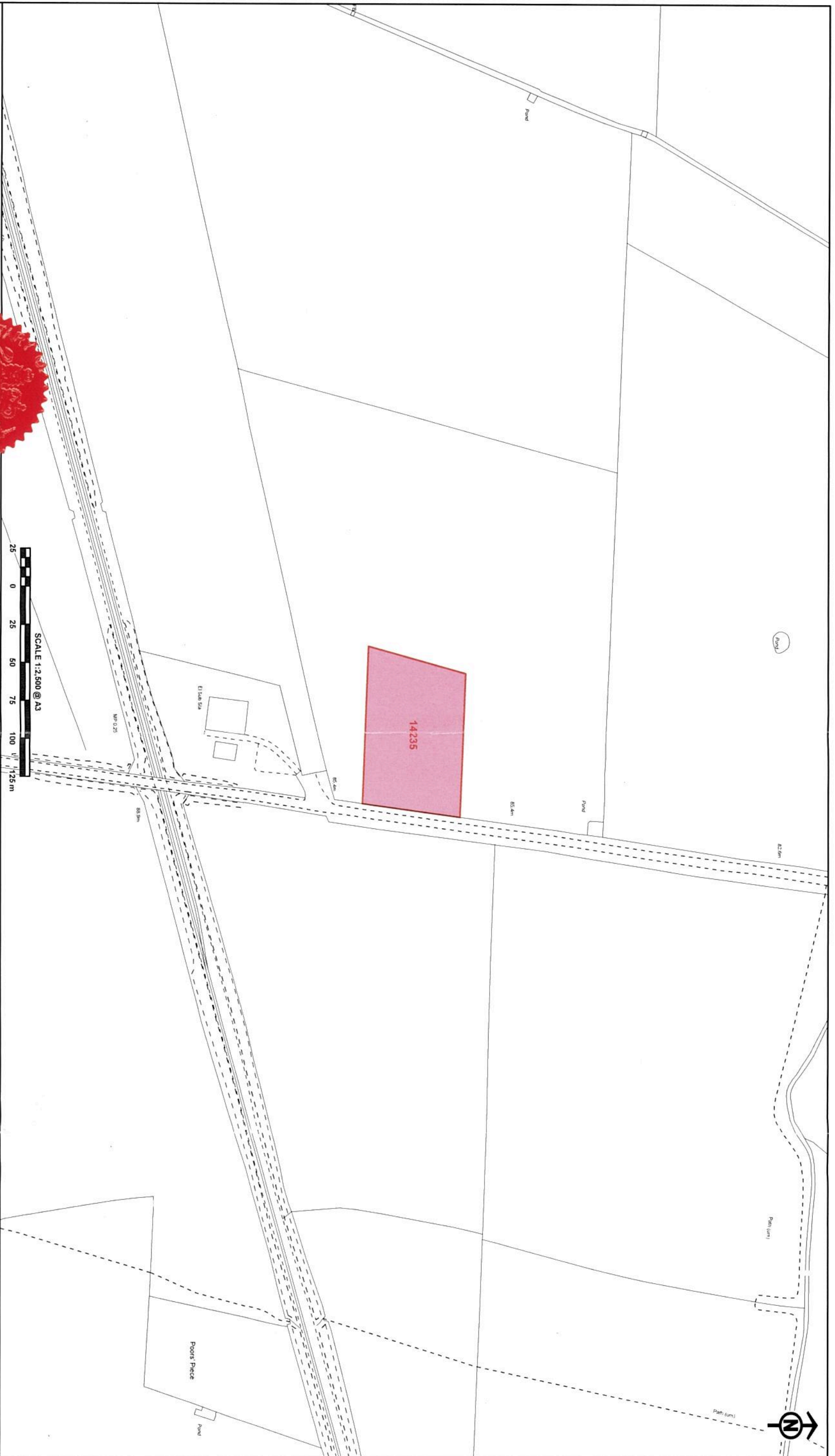
  
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Authorised Signatory

Dated: 11th February 2019

SEAL REF No. DF7/9739





The CORPORATE SEAL of the  
SECRETARY OF STATE  
hereunto affixed to this deed  
is authenticated by

*[Signature]*

Authorised by the Secretary of State for Transport

Dated 11th February 2019



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