

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) GENERAL VESTING DECLARATION No. 737

This **GENERAL VESTING DECLARATION** is executed on 06 DECEMBER 2021 by the Secretary of State for Transport (“the Acquiring 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 Acquiring Authority to acquire the land specified in the Schedule hereto.
- (2) Section 4(1) of the High Speed Rail Act authorises the Acquiring 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 purposes¹.
- (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 3² 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 3A³ of the 1981 Act was first published on 25 November 2019. 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 25 November 2019 in exercise of the powers conferred on it by section 4 of the 1981 Act, the Acquiring Authority executed a general vesting declaration on 10 January 2020 (“the Declaration”) to vest in the Acquiring 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 20 January 2020, the Land vested in the Acquiring Authority on 21 April 2020. Title to the freehold of the Land is now registered in the Acquiring Authority under HM Land Registry title number WK513971, WK513980 and WK514286.
- (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.

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

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

³ 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 authority⁴ 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.
- (9) Mines in the Land have not been so expressly purchased and were not so expressly named and conveyed, and the Acquiring Authority's title to the freehold of the Land registered under HM Land Registry title number WK513971, WK513980 and WK514286 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 the freehold land registered under HM Land Registry title number WK513971, WK513980 and WK514286 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 now be vested in the Acquiring Authority and the Acquiring Authority is to expressly purchase 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.
- (12) Notice of the Acquiring Authority's intention to execute a general vesting declaration to expressly purchase the freehold mines and minerals comprised in the Land, together with the right to win and work them and all related ancillary rights, was published on 18 November 2021 pursuant to section 3A⁵ of the 1981 Act. That notice included the particulars specified in section 3A(3) of the 1981 Act.

4 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.

5 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.

NOW THIS DEED WITNESSETH that, in exercise of the powers conferred on it by section 4 of the 1981 Act, the Acquiring 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 take possession of the mines and minerals, to win and work such mines and minerals and all related ancillary rights, shall vest in the Acquiring Authority as from the end of the period of **3 months** from the date on which the service of notices required by section 6⁶ 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.

⁶ 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 North Warwickshire

(1) Plot No.	(2) Description
07074	All those mines and minerals beneath agricultural land, building, overhead electricity cables and access track (Birmingham Road, B4114) being part of HM land Registry title number WK458947
07075	All those mines and minerals beneath agricultural land, wooded area, private access track, pylons and overhead electricity cables (Birmingham Road, B4114) being part of HM land Registry title number WK459028
07076	All those mines and minerals beneath agricultural land (Birmingham Road, B4114) being part of HM land Registry title number WK459028
07077	All those mines and minerals beneath yard, building and premises (The Joinery) (Birmingham Road, B4114) being part of HM land Registry title number WK458831
07078	All those mines and minerals beneath public road, footways and overhead electricity cables (Birmingham Road, B4114)
07079	All those mines and minerals beneath house, garden and pond (The Old Barn) (Birmingham Road, B4114) being part of HM land Registry title number WK296743
07080	All those mines and minerals beneath access track (Birmingham Road, B4114)
08861	All those mines and minerals beneath public road and verge (Birmingham Road, B4114) being part of HM land Registry title number WM945422
08862	All those mines and minerals beneath public road, footway and scrubland (Birmingham Road, B4114)

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


.....
Authorised Signatory




SEAL REF
DfT GP / 0906

Dated: 06 DECEMBER 2021

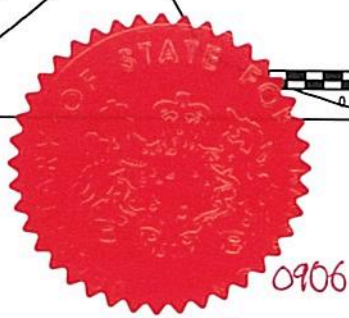


The CORPORATE SEAL of the
SECRETARY OF STATE
hereunto affixed to this deed
is authenticated by



Authorised by the Secretary of State for Transport

Dated 06 DECEMBER 2021



SCALE 1:2,500 @ A3
0 25 50 75 100 125m

CENTRE POINT: 419,164, 288,224

