

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) GENERAL VESTING DECLARATION No. 923

This **GENERAL VESTING DECLARATION** is executed on **16 FEBRUARY 2022**
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 rights and restrictive covenants over land specified in the Second 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 purposes¹.
- (3) Section 5(1) of the High Speed Rail Act provides that section 4(1) of the High Speed Rail Act includes the power to acquire any easements or other rights as may be required for Phase One purposes by the creation of new easements or other rights, or by acquiring easements or other rights already in existence.
- (4) Section 5(2) of the High Speed Rail Act provides that the terms of an easement created under section 5(1)(a) may include terms imposing a restrictive covenant over the land for the purpose of making the easement effective.
- (5) Section 5(4A) of the High Speed Rail Act provides that the power in section 4(1) includes power to acquire rights or impose restrictive covenants for the benefit of a person other than the Authority.
- (6) 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.
- (7) Notice pursuant to section 3A³ of the 1981 Act was published on 28 January 2022 and 04 February 2022. The notices included the particulars specified in section 3A(3) of the 1981 Act.

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 Phase One Purposes has 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.

1. The Rights specified in column 3 of the Second Schedule hereto, (being rights authorised to be acquired by the High Speed Rail Act) together with the right to enter land for the purposes of exercising such rights, shall, in relation to the land specified and described in column 1 and column 2 of the Second Schedule, and more particularly delineated and shown shaded blue on the plan annexed hereto, vest in the Authority as from the end of the period of 2 years from the date on which service of notices required by section 6⁴ of the 1981 Act is completed (the "Vesting Date").
2. The benefit of the Restrictive Covenants specified in column 4 of the Second Schedule hereto (being restrictive covenants authorised to be acquired and imposed by the High Speed Rail Act) together with the right to enforce such restrictive covenants, shall, in relation to the land specified and described in column 1 and column 2 of the Second Schedule, and more particularly shown shaded **blue** on the plan annexed hereto, vest in the Authority as from the Vesting Date.
3. Each Right and Restrictive Covenant shall so vest in and be enforceable by the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, at all times for the benefit of each and every part of the Authority's land registered under Land Registry Title Number MM159572 and the remainder of the HS2 Property to the intent that the Rights and the Restrictive Covenants may be exercised and enforced by the Authority, by persons authorised by him including the Nominated Undertaker, and by the Authority's successors in title and assigns of the whole of any part of Title Number MM159572 and the remainder of the HS2 Property.

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.

⁴ Section 6 as modified by Schedule 6 to the High Speed Rail Act, as substituted by section 11 of, and paragraph 6 of Schedule 14 to, that Act

FIRST SCHEDULE

Term	Meaning
APM	The machinery, structure and connected apparatus of the local transit system, being the elevated Automatic People Mover to be constructed linking the proposed HS2 Interchange Station with Birmingham International Station, including but not limited to its supports, all supporting structures, pillars, stairs, escalators, lifts, plant, and service media.
Birmingham International Station	The land and buildings comprising Birmingham International Station, shown more particularly on the Plan attached, at Station Link Road, Birmingham B40 1PA or any replacement or remodelled station.
HS2 Property	All land interests rights infrastructure property plant and equipment owned occupied controlled or used by or on behalf of the Authority or its Nominated Undertaker in connection with the operation use cleaning repair renewal upgrading replacement or maintenance of Phase One of the high speed rail project being undertaken by the Authority which is authorised by the High Speed Rail Act or which is or has been acquired or used for Phase One Purposes (as defined in section 67 of the High Speed Rail Act) or ancillary purposes.
Network Rail	Network Rail Infrastructure Limited, with Company No. 02904587 and its successors in title.
Nominated Undertaker	High Speed Two (HS2) Limited or any other person whose name appears in an Order made under section 45(1) of the High Speed Rail Act.
Plot	A plot of land with the number specified in column 1 and described in column 2 of the Second Schedule and edged blue and shown with the corresponding number on the Plan.

SECOND SCHEDULE

1 Plot No.	2 Description	3 New Rights	4 Restrictive Covenants
55233	354.24 square metres, or thereabouts, of private road (Station Link Road)	The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to pass and repass at all times with or without vehicles type over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access for construction and maintenance.	-
55234	815.97 square metres, or thereabouts, of private road (Station Link Road)	The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to pass and repass at all times with or without vehicles over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access for construction and maintenance.	-

55236	507.83 square metres, or thereabouts, of railways, works and land (Rugby to Birmingham Line)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	
55237	473.34 square metres, or thereabouts, of railway, works and land (Rugby to Birmingham Line)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	

55238	1,286.13 square metres, or thereabouts, of railway station (Birmingham International Station) (Station Link Road)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) access and egress, pass and repass at all times with or without vehicles, plant and equipment over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access; b) construct an opening into Birmingham International Station; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade a pedestrian walkway attached to Birmingham International Station including supports and structures. 	-
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55244	7,812.28 square metres, or thereabouts, of car park (NEC West Car Park) and private accessway (Bickenhill Lane, B4438)	The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to pass and repass at all times with or without vehicles over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purpose of provision of access for construction.	
55247	53.3 square metres, or thereabouts, of private road (Airport Way)	The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to pass and repass at all times with or without vehicles over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access for construction.	
55248	6,182.21 square metres, or thereabouts, of private road (Airport Way)	The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to pass and repass at all times with or without vehicles, plant and equipment over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access for construction	

55249	41.06 square metres, or thereabouts, of private road (Airport Way)	The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to pass and repass at all times with or without vehicles over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access for construction	
55250	3,365.24 square metres, or thereabouts, of airport terminal (Birmingham International Airport), hotel (Hilton Garden Inn, Birmingham Airport), access roads, private roads and grassed areas (Airport Way)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter and be upon the land, to pass and repass at all times with or without equipment, plant and vehicles; b) access beneath the APM, place and use equipment including (but not limited to) cranes and lifting equipment on the land, construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures; and c) break open the land and install, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade service media, conduits and utilities and repair and maintain the surface of the land in connection with the same. 	<p>Restrictive covenants for the benefit of the HS2 Property and to bind the land and the owners from time to time of the land and any successors in title on the use of the relevant land prohibiting at all times:</p> <ul style="list-style-type: none"> a) activities, deposits or excavations, or for the construction of any buildings or erections or other temporary or permanent on the land that could interfere with the construction, operation, use, monitoring, maintenance, replacement, repair, renewal, inspection, cleaning or upgrading of the APM and its supporting structures.

56128	339.85 square metres, or thereabouts, of railway, works, land (Rugby and Birmingham Line) and footbridge	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	
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56129	552.08 square metres, or thereabouts, of railway, works, land and station platform (Birmingham International Station) (Rugby and Birmingham Line)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	-
56153	850.4 square metres, or thereabouts, of railway, works, land and station platforms (Birmingham International Station) (Rugby and Birmingham Line)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	-

56154	876.49 square metres, or thereabouts, of railway, works and land above tunnel carrying subway (Rugby and Birmingham Line)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	
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56206	55.11 square metres, or thereabouts, of private road (Airport Way)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, at all times to:</p> <ul style="list-style-type: none"> a) enter and be upon the land, to pass and repass with or without equipment, plant and vehicles; and b) break open the land and install, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade service media, conduits and utilities and repair and maintain the surface of the land in connection with the same. 	
56207	2,950.52 square metres, or thereabouts, of airport terminal (Birmingham International Airport), access road, private road and verges and grassed areas (Hermes Road)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, at all times to:</p> <ul style="list-style-type: none"> a) enter and be upon the land, to pass and repass with or without equipment, plant and vehicles; and b) break open the land and install, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade service media, conduits and utilities and repair and maintain the surface of the land in connection with the same. 	

56208	342.84 square metres, or thereabouts, of hotel (Hilton Garden Inn Birmingham Airport) and grassed area (Concorde Road)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, at all times to:</p> <ul style="list-style-type: none"> a) enter and be upon the land, to pass and repass with or without equipment, plant and vehicles; and b) break open the land and install, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade service media, conduits and utilities and repair and maintain the surface of the land in connection with the same. 	
56209	4,395.23 square metres, or thereabouts, of airport terminal (Birmingham International Airport), access roads, private roads and verges (Concorde Road, Ambassador Road, Comet Road and Trident Road) and grassed areas (Concorde Road)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, at all times to:</p> <ul style="list-style-type: none"> a) enter and be upon the land, to pass and repass with or without equipment, plant and vehicles; and b) break open the land and install, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade service media, conduits and utilities and repair and maintain the surface of the land in connection with the same. 	

56216	239.82 square metres, or thereabouts, of private road (Vanguard Road)	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, at all times to:</p> <ul style="list-style-type: none"> a) enter and be upon the land, to pass and repass with or without equipment, plant and vehicles; and b) break open the land and install, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade service media, conduits and utilities and repair and maintain the surface of the land in connection with the same. 	
56258	41.93 square metres, or thereabouts, of building	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) enter onto the land with or without vehicles, plant and equipment to access the APM over the railway; b) place and use equipment including (but not limited to) cranes and lifting equipment on the land; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade the APM and supporting structures. 	

56259	29.72 square metres, or thereabouts, of bus station and land	<p>The right for the Authority and his lessees, licensees, successors in title, assigns, and those authorised by him and any of these, to:</p> <ul style="list-style-type: none"> a) access and egress, pass and repass at all times with or without vehicles, plant and equipment over the land described in column 2 of this Schedule and shown coloured blue on the attached plan onto land adjoining the said land for the purposes of provision of access; b) construct an opening into Birmingham International Station; and c) construct, use, monitor, maintain, replace, repair, renew, inspect, clean and upgrade a pedestrian walkway attached to Birmingham International Station including supports and structures. 	
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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

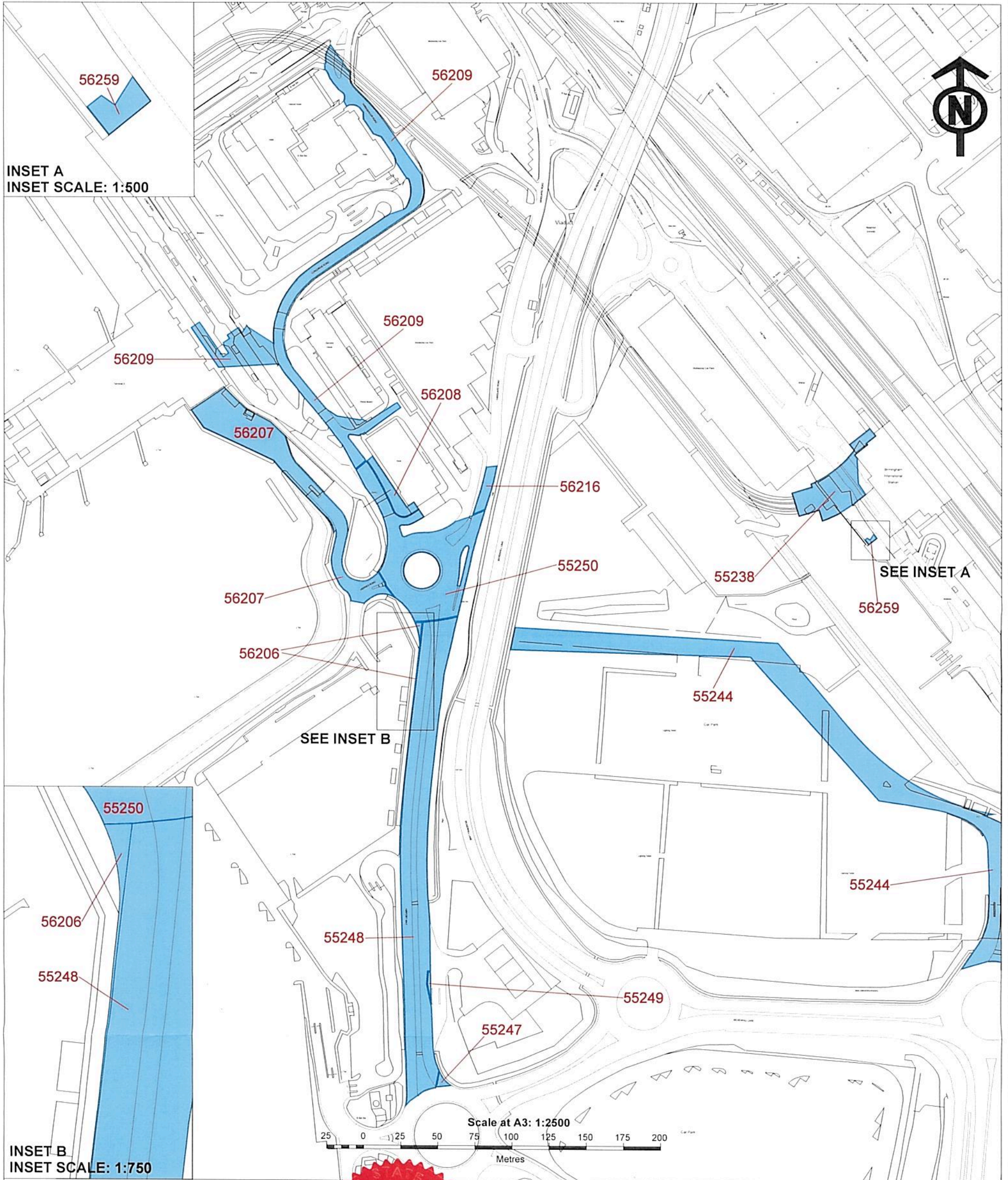


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Authorised Signatory



Dated: 16 FEBRUARY 2022

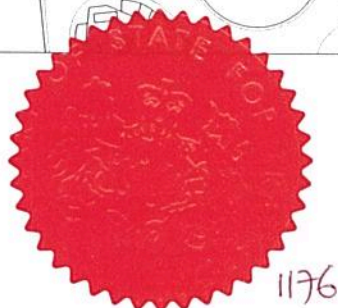
SEAL REF
DfT GP / 1176



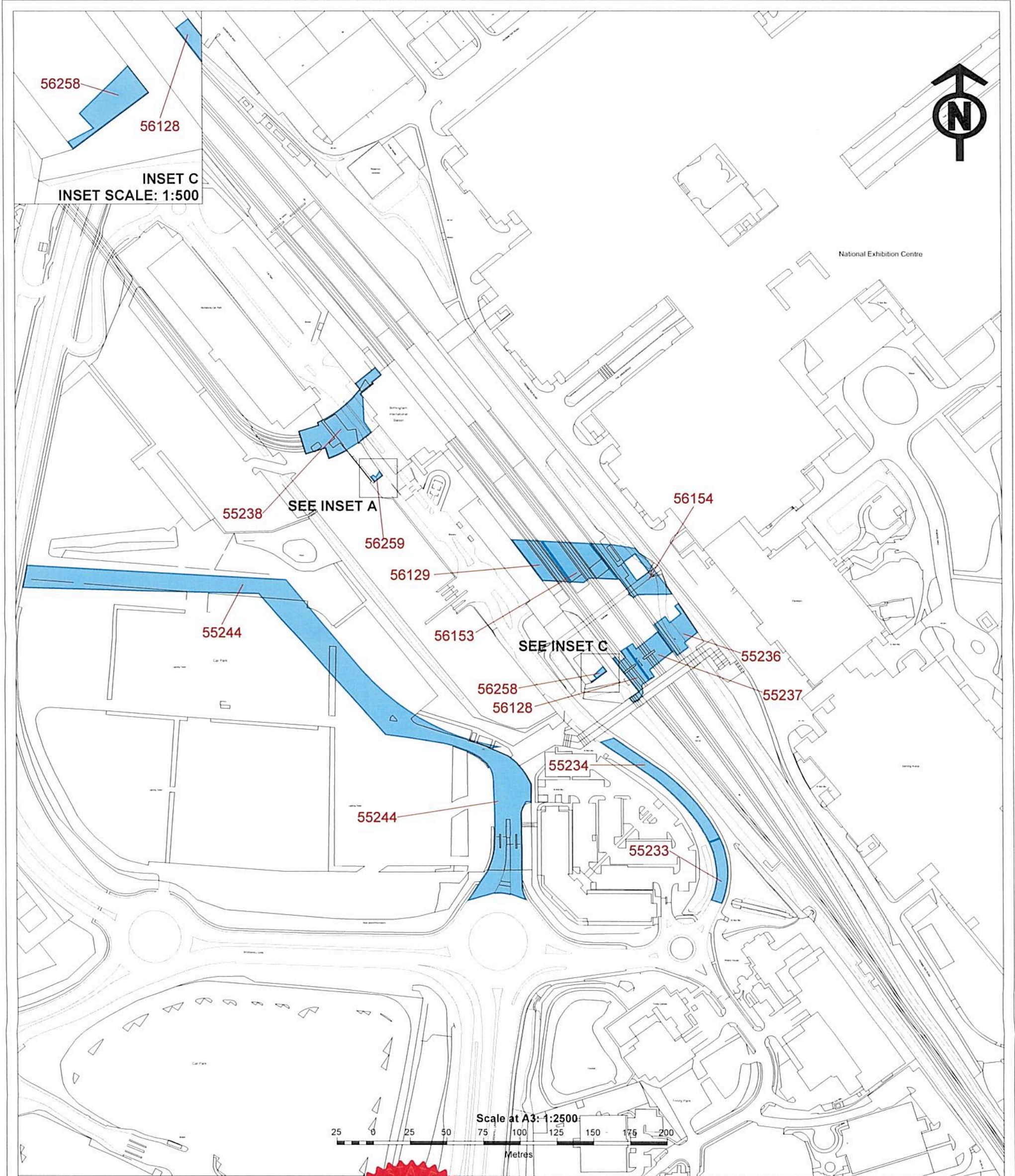
The CORPORATE SEAL of the
SECRETARY OF STATE
hereunto affixed to this deed
is authenticated by


Authorised by the Secretary of State for Transport

Dated 16 FEBRUARY 2022



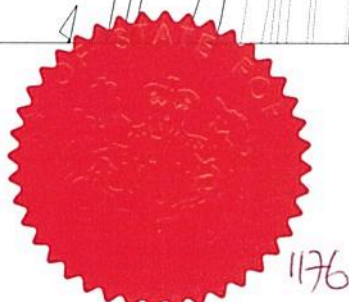
CENTRE POINT: 418,541, 283,601



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 16 FEBRUARY 2022



CENTRE POINT: 418,789, 283,558

