

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

### HIGH SPEED RAIL (LONDON – WEST MIDLANDS) GENERAL VESTING DECLARATION No. 902

This **GENERAL VESTING DECLARATION** is executed on 31st January 2022 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 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 14 January 2022. That notice included the particulars specified in section 3A(3) of the 1981 Act.
- (5) 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.
- (6) 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 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.

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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.

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.

- (7) It is expedient that such mines and minerals should be vested in the Acquiring Authority and the Acquiring Authority is to expressly purchase the Land and 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.

**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 Land and 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 enter upon and take possession of the land and mines and minerals, to win and work such mines and minerals and all related ancillary rights comprised therein<sup>5</sup>, 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 6<sup>6</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>5</sup> Paragraph 4(2) of Schedule 6 to the High Speed Rail Act applies 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 and authorised undertaking) 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.

<sup>6</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

City of Birmingham

(1) Plot No.	(2) Description
52510	All interests in 3,722.98 square metres, or thereabouts, of private access road and verges (Aston Church Road) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport
52511	All interests in 2,805.87 square metres, or thereabouts, of concrete batching plant and yard (Aston Church Road) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport
52512	All interests in 40,995.19 square metres, or thereabouts, of concrete batching plant, yard, car parks, buildings, travelling crane, private access road, electricity substations and verges (Aston Church Road) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport
52515	All interests in 1,996.97 square metres, or thereabouts, of yard (Aston Church Road) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport
52516	All interests in 5,129.62 square metres, or thereabouts, of railway sidings, works and scrubland (Aston Church Road) including all those mines and minerals beneath
52517	All interests in 481.59 square metres, or thereabouts, of loading bay and travelling crane (Aston Church Road) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport
52519	All interests in 14,529.83 square metres, or thereabouts, of railway, works and land, scrubland, travelling crane and signal gantry (Washwood Heath Sidings) (Aston Church Road) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport and GB Railfreight Limited
55829	All interests in 275.57 square metres, or thereabouts, of bridge carrying public road and footways over railway, works and land (Washwood Heath Sidings) (Heartlands Parkway) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport and GB Railfreight Limited
55830	All interests in 1,028.63 square metres, or thereabouts, of railway, works and land (Washwood Heath Sidings) and scrubland (Common Lane) including all those mines and minerals beneath excluding any interests held by the Secretary of State for Transport and GB Railfreight Limited

**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

N. L. W. A.

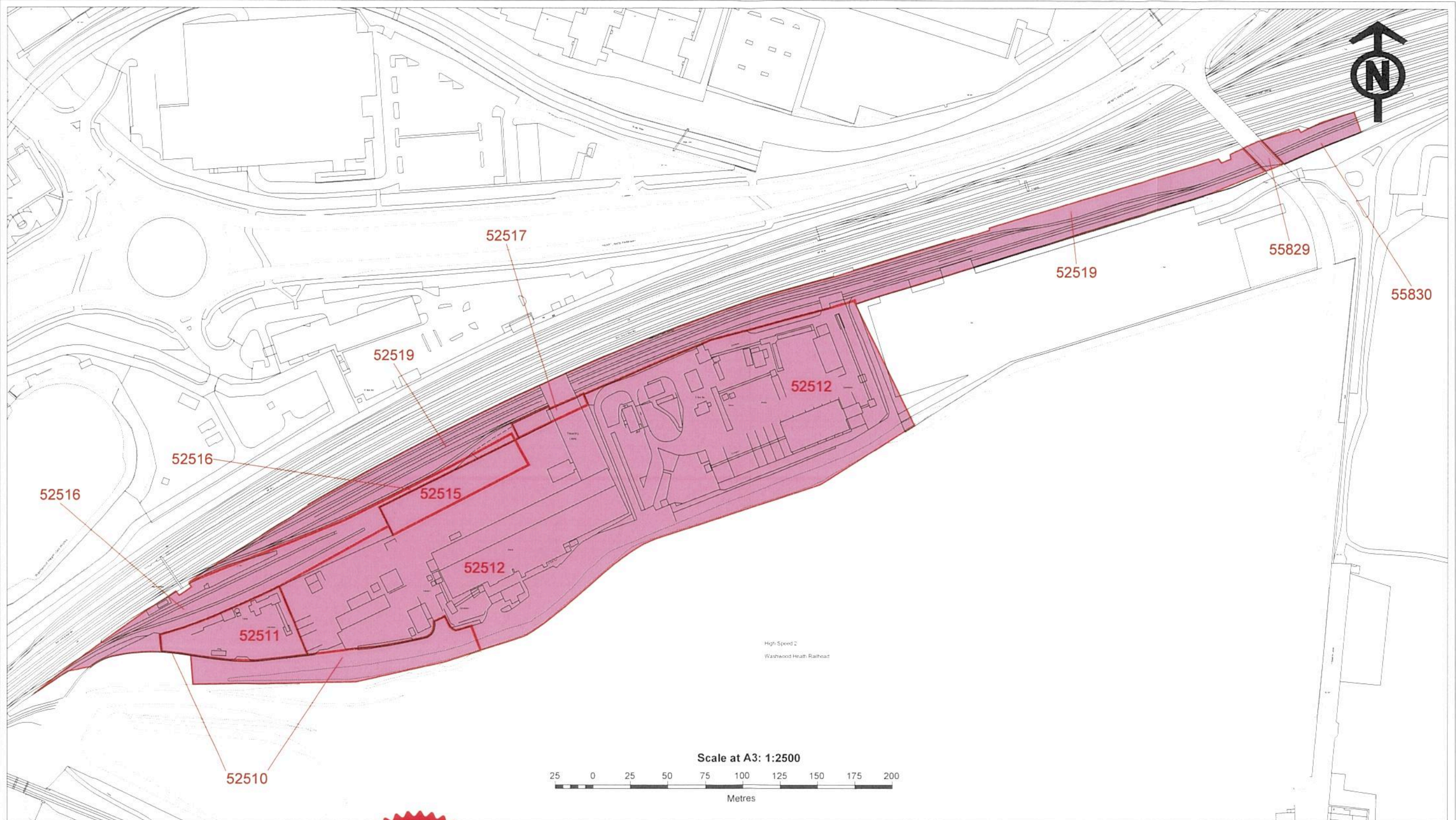
Authorised Signatory



Dated: 31st January 2022

SEAL REF  
DfT GP / 1132





CENTRE POINT 410 302, 289 230

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

*Nick Clark*

Authorised by the Secretary of State for Transport

Dated 31st January 2022



