

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) ACT 2021

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) GENERAL VESTING DECLARATION No. 2108

This **GENERAL VESTING DECLARATION** is executed on *9th March 2023*
by the Secretary of State for Transport ("the Authority").

WHEREAS:

- (1) On 11 February 2021 the High Speed Rail (West Midlands - Crewe) Act 2021 ("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 2a 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. Paragraph 3 of Schedule 7 to the High Speed Rail Act provides that the 1981 Act shall have effect subject to the modifications specified in that paragraph and paragraph 3 of Schedule 9 to the High Speed Rail Act provides that the 1981 Act shall have effect subject to the modifications specified in that paragraph in the case of acquisition of rights over land.
- (4) By section 4(5) and paragraph 4(3) of Schedule 7 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.
- (5) Paragraph 2(1) of Part 2 of Schedule 2 to the Acquisition of Land Act 1981 provides that an acquiring authority² 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) By virtue of an agreement dated **14 February 2019** the Authority acquired the land described in the Schedule hereto. However, the mines and minerals in the land were not included in the agreement nor conveyed and as such the Authority's title

¹ Phase 2a Purposes has meaning given by section 61 of the High Speed Rail Act.

² Paragraph 4(4) of Schedule 7 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 41(1) of the High Speed Rail Act.

to the freehold of that land excepts the mines and minerals in it and the ancillary rights to win and work them.

- (7) It is expedient that such mines and minerals and ancillary rights should now be vested in the Authority and the Authority is therefore to expressly purchase the mines and minerals in the land described in the Schedule hereto, together with the right to take possession of the mines and minerals, to win and work them and all related ancillary rights.
- (8) Notice pursuant to section 3A³ of the 1981 Act, of the Authority's intention to execute a general vesting declaration to expressly purchase the mines and minerals comprised in the land specified in the Schedule hereto, together with the right to win and work them and all related ancillary rights, was first published on **30 January 2023**. That notice 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. The 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 Authority as from the end of the period of **3 months** from the date on which the service of notices required by section 6⁴ of the 1981 Act is completed.
2. 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.

³ Section 3A of the 1981 Act as inserted by paragraph 3 of Schedule 7 to the High Speed Rail Act.

⁴ Section 6 as modified by paragraph 3(c) of Schedule 7 to the High Speed Rail Act

SCHEDULE

Borough of Newcastle-under-Lyme

(1) Plot No.	(2) Description
129248	All those mines and minerals beneath agricultural land, house, garden, outbuilding, hardstanding and access track (Hey House Lodge), being part of HM Land Registry title number SF151224 excluding any interests held by Secretary of State for Transport

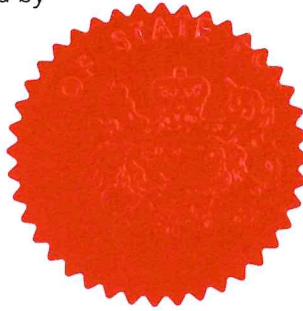
IN WITNESS WHEREOF the Secretary of State for Transport has hereunto set its corporate seal on the day in the year first written above.

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

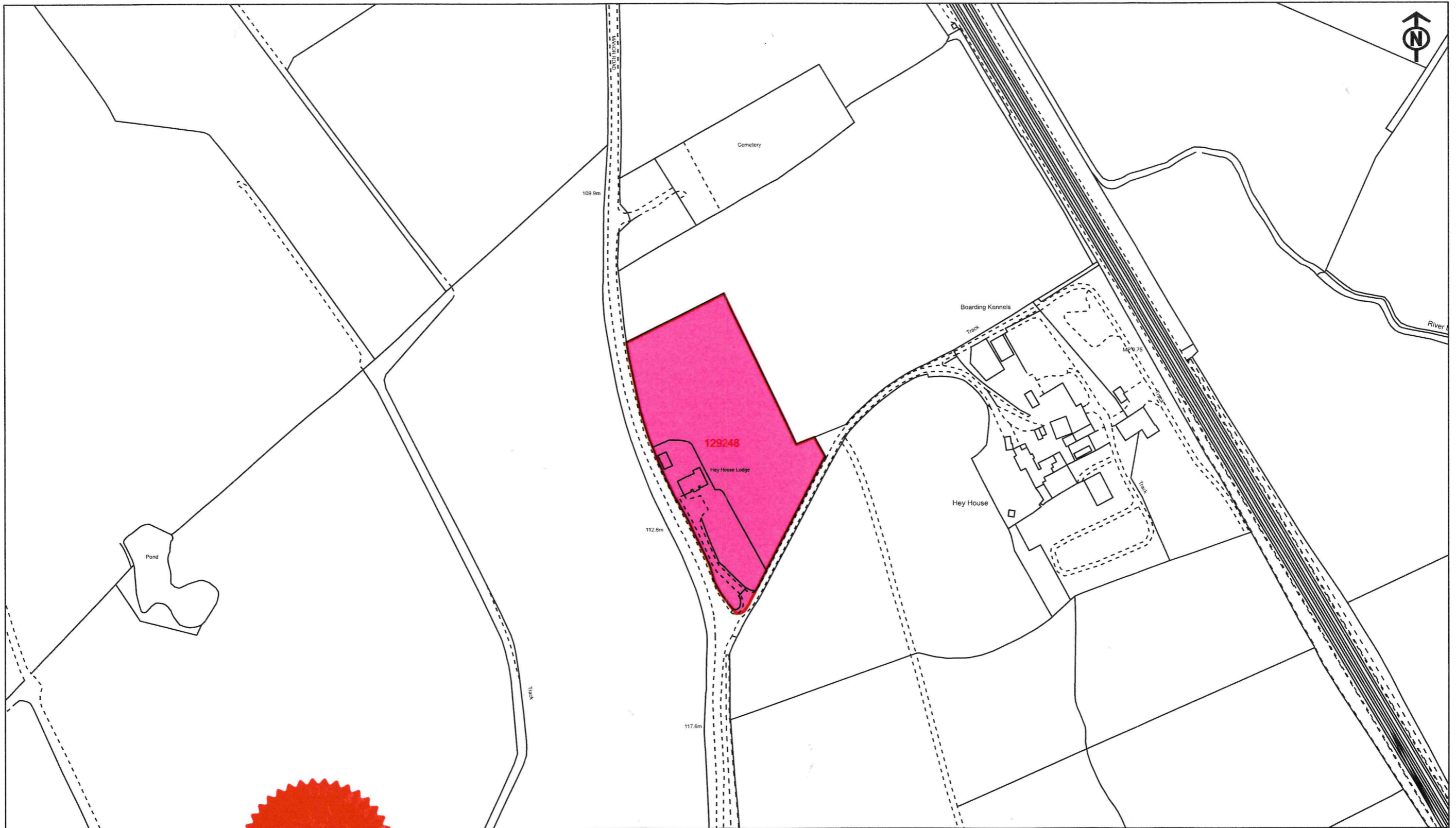
N. L. L. H

Authorised Signatory

Dated : 9th March 2023



SEAL REF
DFT GP /1525



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 9th March 2023

