

High Speed Rail (London - West Midlands) Bill

The Bill is divided into two volumes. Volume I contains the Clauses to the Bill and Schedules 1 to 4. Volume 2 contains the remaining Schedules to the Bill (Schedules 5 to 31).

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2 Further provision about works

- (1) The nominated undertaker may, for the purposes of or in connection with the scheduled works or otherwise for Phase One purposes, do any of the following within the Act limits —
- (a) carry out and maintain railway electrification and signalling works;
 - (b) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts, buildings, apparatus, plant and machinery as may be necessary or expedient;
 - (c) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or expedient;
 - (d) demolish the whole or part of any building or structure;
 - (e) alter or remove any structure erected upon any highway or adjoining land;
 - (f) alter, or alter the position of, railway track and any apparatus associated with railway track;
 - (g) alter, or alter the position of, other apparatus, including mains, sewers, drains and cables;
 - (h) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
 - (i) carry out and maintain such other works, of whatever description, as may be necessary or expedient.
- (2) Subsection (1) does not authorise the making of any cut for drainage purposes which is more than 3.4 metres wide at the bottom.
- (3) The nominated undertaker may within the Act limits —
- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, and
 - (b) carry out and maintain works for the benefit or protection of land affected by any of the works authorised by this Act.
- (4) Schedule 2 contains further and supplementary provision about works.
- (5) Without prejudice to subsection (1)(g), the nominated undertaker may, for the purposes of or in connection with the works authorised by this Act, undertake the electric line diversions and other works specified in the table in Schedule 3.

3 Highways

Schedule 4 contains provision about —

- (a) highway access;
- (b) power to stop up and interfere with highways;
- (c) construction and maintenance of highways.

*Compulsory acquisition of land***4 Power to acquire land compulsorily**

- (1) The Secretary of State may acquire compulsorily so much of the land within the Act limits as may be required for Phase One purposes.

- (2) Schedule 5 contains provision about the particular purposes for which land within the limits of land to be acquired or used may be acquired under subsection (1).
- (3) Part 1 of the Compulsory Purchase Act 1965, so far as not inconsistent with this Act, applies to an acquisition of land under subsection (1) —
 - (a) as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land Act 1981 applies, and
 - (b) as if this Act were a compulsory purchase order under that Act.
- (4) The Compulsory Purchase (Vesting Declarations) Act 1981 applies as if this Act were a compulsory purchase order.
- (5) Schedule 6 contains further provision about the application of compulsory purchase legislation.

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5 Acquisition of rights in land

- (1) The power under section 4(1) includes power to acquire such easements or other rights over land to which the power relates as may be required for Phase One purposes, by —
 - (a) creating new easements or other rights, or
 - (b) acquiring easements or other rights already in existence.
- (2) In the case of land specified in the table in Schedule 7, the power under section 4(1) also includes power to impose restrictive covenants over the land for the purposes specified in relation to the land in column (3) of the table.
- (3) In the case of land specified in the table in Schedule 8, the power under section 4(1) may be exercised only so as to acquire rights for purposes specified in relation to the land in column (3) of the table.
- (4) The Secretary of State may by order provide that section 4(1), so far as relating to compulsory acquisition by virtue of this section, is to be treated as also authorising acquisition of rights or imposition of restrictive covenants by such person as may be specified in the order.
- (5) The power to make an order under subsection (4) includes power to make an order varying or revoking any order previously made under that subsection.
- (6) Schedule 9 contains provision about the application of compulsory purchase legislation to a compulsory acquisition by virtue of this section.

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6 Acquisition of part of land

- (1) The provisions of Schedule 10 apply instead of section 8(1) of the Compulsory Purchase Act 1965 where —
 - (a) a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), is given in respect of land forming part only of a house, building or manufactory or part only of land consisting of a house with a park or garden, and
 - (b) a copy of this section and Schedule 10 is given with the notice to treat.
- (2) Nothing in this section or Schedule 10 applies in relation to a compulsory acquisition under section 4(1) by virtue of section 5 (acquisition of rights or imposition of restrictive covenants).

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63 Interpretation

- (1) In this Act—
- “Act limits” is to be construed in accordance with subsection (2) of this section;
- “allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
- “bridleway”, “carriageway”, “footpath” and “footway” have the same meanings as in the Highways Act 1980;
- “burial ground” means—
- (a) a churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of burial, or
- (b) any other place of burial;
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882;
- “covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill” is to be construed in accordance with subsection (4) of this section;
- “Crown authority” has the meaning given by section 53(5);
- “Crown land” has the meaning given by section 53(4);
- “deposited plans” and “deposited sections” have the meanings given by section 57;
- “deposited statement” means a statement deposited in connection with the High Speed Rail (London - West Midlands) Bill in the Private Bill Office of the House of Commons in November 2013 in pursuance of Standing Order 27A of the Standing Orders of the House of Commons relating to private business (environmental assessment);
- “development” has the same meaning as in the Town and Country Planning Act 1990;
- “enactment” means either of the following (or a provision of either of the following) —
- (a) an Act (including a local or private Act), or
- (b) any subordinate legislation, within the meaning given by section 21 of the Interpretation Act 1978;
- “Environmental Impact Assessment Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) (or any regulations replacing them);
- “field” is to be construed in accordance with subsection (3) of this section (in the case of a reference to land or a building held by the nominated undertaker);
- “highway” and “highway authority” have the same meanings as in the Highways Act 1980;
- “limits of deviation” means the limits of deviation which are shown on the deposited plans (which are the limits of deviation for the scheduled works);
- “limits of land to be acquired or used” means the limits of land to be acquired or used which are shown on the deposited plans;
- “nominated undertaker” is to be construed in accordance with section 43;
- “non-unitary area” means an area for which there is both a district and a county council;

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground; “owner”, in relation to any land, has the same meaning as in Part 1 of the Acquisition of Land Act 1981 (but this does not apply to Schedule 13, which has its own definition);

“Phase One of High Speed 2” has the meaning given by section 1(3);

“Phase One purposes” is to be construed in accordance with section 62;

“scheduled works” has the meaning given by section 1(2);

“unitary authority” means—

- (a) a county council, so far as its area is not part of the area of a district council,
 - (b) a district council whose area is not part of the area of a county council, or
 - (c) a London borough council;
- “utility undertaker” means—
- (a) a gas transporter within the meaning of Part 1 of the Gas Act 1986,
 - (b) the holder of a licence under Part 1 of the Electricity Act 1989,
 - (c) a water undertaker or sewerage undertaker,
 - (d) a local authority (within the meaning of the Water Industry Act 1991) which is a relevant authority for the purposes of section 97 of that Act, or
 - (e) the operator of an electronic communications code network (within the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003).

(2) For the purposes of this Act, land or any other thing is within the Act limits if it is—

- (a) within the limits of deviation for the scheduled works, or
 - (b) within the limits of land to be acquired or used,
- and references to the doing of anything within the Act limits are to be construed accordingly.

(3) References in this Act to land or a building held by the nominated undertaker include references to land or a building in the nominated undertaker’s temporary possession.

(4) For the purposes of this Act, development is covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill if it is development in relation to which information contained in a deposited statement constituted, at the time of the statement’s deposit or publication, an environmental statement within the meaning of the Environmental Impact Assessment Regulations.

(5) In this Act—

- (a) a reference to a highway or any other place identified by letters and numbers is a reference to the highway or place shown as such on the deposited plans;
- (b) a reference to a work identified by numbers (or numbers and a letter) is a reference to the scheduled work of those numbers (or those numbers and letter);
- (c) a reference to a sheet identified by numbers is a reference to the sheet of those numbers contained in the deposited plans;

- (d) a reference in any description of works, powers or land to area, distance, length or direction, or to a particular location, is to be read as if qualified by the words “or thereabouts”;
- (e) a reference to distance, in relation to points on a road or railway, is to distance measured along the centre line of the road or railway.
- (6) For the purposes of this Act, the level of the surface of land is to be taken—
 - (a) in the case of land on which a building is erected, to be the level of the surface of the ground adjoining the building; and
 - (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

Final

64 Financial provision

There is to be paid out of money provided by Parliament—

- (a) *any expenditure incurred by the Secretary of State in consequence of this Act, and*
- (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*

65 Commencement and short title

- (1) This Act comes into force on the day on which it is passed.
- (2) This Act may be cited as the High Speed Rail (London - West Midlands) Act 2014.