

SCHEDULE 2

PART 1

STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981 POWER TO EXECUTE A GENERAL VESTING DECLARATION

1. The Acquiring Authority may acquire any of 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 described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”). This has the effect, subject to paragraphs 3 and 5 below, of vesting 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 in the Acquiring Authority at the end of the period mentioned in paragraph 2 below.

NOTICES CONCERNING GENERAL VESTING DECLARATION

2. As soon as may be after the Acquiring Authority executes a general vesting declaration, they must serve notice of it on every occupier of any of the freehold mines and minerals comprised in the Land, specified in the declaration (except where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the mines and minerals in pursuance of the invitation contained in any notice. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the freehold mines and minerals comprising in the Land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Acquiring Authority 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. Every person on whom the Acquiring Authority could have served a notice to treat in respect of his interest in the mines and minerals comprised in the Land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the mines and minerals comprised in the Land, with interest on the compensation from the vesting date.

3. The “vesting date” for any mines and minerals comprised in the land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the 1981 Act⁵ within that period. In such circumstances, the vesting date for the mines and minerals comprised in the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

MODIFICATIONS WITH RESPECT TO CERTAIN TENANCIES

a year or a yearly tenancy or a lesser interest, or “a long tenancy which is about to expire”. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that the Acquiring Authority may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless the Acquiring Authority first serves notice to treat in respect of the tenancy and then serves every occupier of the land with a notice of intention to enter and take possession after the period (not less than 14 days⁶ from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the mines and minerals comprised in the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

PROVISION OF INFORMATION

Every person who, if a general vesting declaration were made in respect of all the land authorised to be acquired by the Acquiring Authority pursuant to the High Speed Rail (London – West Midlands) Act 2017 (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the Acquiring Authority in the prescribed form with respect to his name and address and the land in question. The relevant prescribed form is set out below.

Dated 05 July 2021

Mike Hickson OBE, Director of Land & Property

High Speed Two (HS2) Limited as Agent for and on behalf of the Secretary of State for Transport

PART 2

FORM FOR GIVING INFORMATION

To: Head of Land Assembly
Land & Property Directorate
High Speed Two (HS2) Limited
Two Snowhill

Snowhill Queensway
Birmingham, B4 6GA

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all of the freehold mines and minerals comprised within the Land together with the right to win and work them and all related ancillary rights, comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all][part of] that freehold mines and minerals comprised in the Land, give you the following information, pursuant to the provisions of Section 3A⁷ of the Compulsory Purchase (Vesting Declarations) Act 1981.

1. NAME AND ADDRESS OF INFORMANT(S)¹

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2. LAND IN WHICH AN INTEREST IS HELD BY INFORMANT(S)²

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3. NATURE OF INTEREST³

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Signed

(on behalf of.....)

Date

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¹ In the case of a joint interest, insert the names and addresses of all of the informants.

² The land should be described concisely.

³ If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other encumbrance, details should be given (e.g. name of building society and roll number).

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

² 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.

³As amended by the High Speed Rail Act.

⁴ As amended by the High Speed Rail Act.

⁵ Schedule A1 to the 1981 Act as amended by section 11 of and paragraph 6 of Schedule 14 to the High Speed Rail Act.

⁶ Section 9 of the 1981 Act as modified by paragraph 3(d) of Schedule 6 to the High Speed Rail (London - West Midlands) Act 2017 as substituted by section 11 of, and paragraph 6 of Schedule 14 to, that Act.

⁷ Section 3A of the 1981 Act as inserted by paragraph 3(a) of Schedule 6 to the High Speed Rail (London – West Midlands) Act 2017 as substituted by section 11 of, and paragraphs 6 and 7 of Schedule 14 to, that Act.

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