

MODIFICATIONS WITH RESPECT TO CERTAIN TENANCIES

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for 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 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 09 September 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 land 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 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. (3880601)



**HIGH SPEED RAIL (LONDON – WE ST MIDLANDS) ACT 2017
COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981
TO: PERSONS HAVING A RELEVANT INTEREST IN THE LAND
DESCRIBED IN THE SCHEDULE HERETO**

1. The High Speed Rail (London – West Midlands) Act 2017 ("the High Speed Rail Act") received Royal Assent on 23 February 2017.

2. The Secretary of State for Transport (the "Acquiring Authority") is authorised under section 4 of the High Speed Rail Act to exercise powers under section 4(1) of the High Speed Rail Act 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. By virtue of section 4(4) of the High Speed Rail Act, the Compulsory Purchase (Vesting Declarations) Act 1981 ("the 1981 Act") applies as if the High Speed Rail Act were a compulsory purchase order.

4. By virtue of 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 or 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 authority 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. Pursuant to section 3A of the 1981 Act² before making a general vesting declaration ("GVD") under section 4 of the 1981 Act the Acquiring Authority must, in a notice which is (a) given to every person with a relevant interest in the land with respect to which a GVD is to be made (other than a mortgagee who is not in possession); and (b) published in the London Gazette, include the particulars in section 3A(3) of the 1981 Act³.

7. Notice is hereby given pursuant to section 3A of the 1981 Act⁴.