

N113_070_20

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).

¹ Phase 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.

³ As 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. (3965842)

HS2

**HIGH SPEED RAIL (LONDON – WEST 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 pursuant to section 3A of the 1981 Act was first given and published in respect of the land described in Schedule 1 hereto (“Land”) on 08 April 2019.

8. Having given and published notice pursuant to section 3A of the 1981 Act on 08 April 2019 in exercise of the powers conferred on it by section 4 of the 1981 Act, the Acquiring Authority executed a GVD on 01 May 2019 to vest in the Acquiring Authority the Land together with the right to enter upon and take possession of the Land (“GVD 152”) and the Land vested in the Acquiring Authority on 22 August 2019. The mines and minerals in the Land were not expressly named in GVD 152, so by virtue of the operation of paragraph 4(2) of Schedule 6 to the High Speed Rail Act and 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), the mines and minerals did not vest in the Acquiring Authority.

9. It is now expedient that such mines and minerals should be vested in the Acquiring Authority and for the avoidance of doubt, further notice is hereby given pursuant to section 3A of the 1981 Act⁴ that the Acquiring Authority intends to execute a GVD to acquire 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.

10. Pursuant to section 3A(3) of the 1981 Act, a Statement of the Effect of Parts 2 and 3 of the 1981 Act is contained in Part 1 of Schedule 2 to this notice, which provides an explanation of the process for and effect of a GVD in respect of the mines and minerals in the Land described in Schedule 1 hereto. Part 1 of Schedule 2 to this notice also invites any person who would be entitled to claim compensation if a GVD were executed under section 4 of the 1981 Act to give the Acquiring Authority information about the person’s name, address and interest in the land using the form set out in Part 2 of Schedule 2.

11. For the avoidance of doubt, the Acquiring Authority intends to purchase the freehold mines and minerals together with the right to take possession of the mines and minerals, to win and work them and all related ancillary rights, in the land described in Schedule 1 hereto and, if so, will expressly name them in the GVD.

SCHEDULE 1**DISTRICT OF WARWICK****(1) Plot No.**

56144

(2) Description

All those mines and minerals beneath agricultural land, pipeline, public footpath (W169), private road and turning circle (Red Lane)

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,