

<sup>6</sup> Section 9 of the 1981 Act as modified by paragraph 3(d) of Schedule 7 to the High Speed Rail Act.

<sup>7</sup> Section 3A of the 1981 Act as inserted by paragraph 3(a) of Schedule 7 to the High Speed Rail Act. (4417665)

# HS2

**HIGH SPEED RAIL (WEST MIDLANDS - CREWE) ACT 2021  
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 (West Midlands - Crewe) Act 2021 ("the High Speed Rail Act") received Royal Assent on 11 February 2021.

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 2a purposes<sup>1</sup>.

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 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 authority<sup>2</sup> 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 April 2023 the Acquiring Authority acquired the land described in Schedule 1 hereto. However, the mines and minerals in the land were not included in the agreement nor conveyed and as such the Acquiring Authority's title 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 Acquiring Authority.

8. Pursuant to section 3A of the 1981 Act<sup>3</sup> before making a general vesting declaration ("GVD") under section 4 of the 1981 Act the Acquiring Authority shall, in a notice which is (a) given to every person with a relevant interest in the land with respect to which a declaration 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 Act<sup>4</sup>.

9. Notice is hereby given pursuant to Section 3A of the 1981 Act<sup>5</sup> of the Statement of the Effect of Parts 2 and 3 of the 1981 Act which provides an explanation of the process for and the 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.

10. For the avoidance of doubt, the Acquiring Authority intends to purchase the freehold mines and minerals comprised in the land described in Schedule 1 hereto, together with ancillary rights to win and work them, and will expressly name those mines and minerals in the GVD.

**SCHEDULE 1**

**District of Lichfield**

**(1) Plot No.**

132438

**(2) Description**

All those mines and minerals beneath agricultural land, hedgerows, watercourse (Ashby Sitch), access track and access splay (Barn Farm) being part of HM Land Registry title number SF316368 and SF591883

**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 mines and minerals in the land 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 mines and minerals, together with ancillary rights to win and work them, 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 land specified in the declaration in which the mines and minerals are situated (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land 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 mines and minerals 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 ancillary rights to win and work them. Every person on whom the Acquiring Authority could have served a notice to treat in respect of his interest in the mines and minerals (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, with interest on the compensation from the vesting date.

3. The "vesting date" for any mines and minerals and ancillary rights 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 Act<sup>6</sup> within that period. In such circumstances, the vesting date for the mines and minerals which are the subject of the counter-notice will be determined in accordance with Schedule A1.

**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 days<sup>7</sup> 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**