



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Further high speed rail works

55 Exercise of rights of entry

- (1) A warrant or other authorisation under section 54 is valid for a period of six weeks beginning with the day on which it is issued or given.
- (2) A right of entry under section 54(1) is exercisable at any reasonable time.
- (3) A person authorised under section 54 to enter any land—
 - (a) must, if so required, produce evidence of the person's warrant or other authorisation, and state the purpose of entry, before entering,
 - (b) may not demand admission as of right to any land which is occupied unless 14 days' notice of the intended entry has been given to the occupier, and
 - (c) must comply with any other conditions subject to which the warrant or other authorisation is given.
- (4) A person who wilfully obstructs another in the exercise of the power under section 54(1) commits an offence; and a person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Where any damage is caused to land or other property—
 - (a) in the exercise of a right of entry conferred by section 54(1), or
 - (b) in the carrying out of a survey for the purposes of which any such right of entry has been conferred,compensation may be recovered by any person suffering the damage from the person exercising the right of entry.
- (6) Any dispute as to a person's entitlement to compensation under subsection (5), or as to the amount of compensation, must be determined—

Status: This is the original version (as it was originally enacted).

- (a) in England and Wales, under and in accordance with Part 1 of the Land Compensation Act 1961;
 - (b) in Scotland, by the Lands Tribunal for Scotland (and sections 9 and 11 of the Land Compensation (Scotland) Act 1963 apply).
- (7) No person may carry out works referred to in section 54(6)(a) (searching and boring) unless notice of the person's intention to do so was included in the notice required by subsection (3)(b).
- (8) The authority of the appropriate minister is required for the carrying out of works referred to in section 54(6)(a) if—
- (a) the land in question is held by statutory undertakers, and
 - (b) they object to the proposed works on the ground that carrying them out would be seriously detrimental to the carrying on of their undertaking.
- (9) In this section—
- “appropriate minister” means—
- (a) in the case of land in Wales held by a water or sewerage undertaker, the Welsh Ministers,
 - (b) in the case of land in Scotland in respect of which any functions in relation to statutory undertakers have been transferred by or under the Scotland Act 1998 to the Scottish Ministers, the Scottish Ministers, and
 - (c) in any other case, the Secretary of State;
- “statutory undertakers” means—
- (a) in England and Wales, persons who are, or who are deemed to be, statutory undertakers for the purposes of Part 11 of the Town and Country Planning Act 1990, and
 - (b) in Scotland, persons who are, or who are deemed to be, statutory undertakers for the purposes of Part 10 of the Town and Country Planning (Scotland) Act 1997.