



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Reinstatement and environmental works

49 Compulsory acquisition of land for relocation

- (1) If the whole or part of any undertaking is displaced, or is likely to be displaced, as a result of the exercise of any power under this Act, the Secretary of State may acquire land compulsorily—
 - (a) for the relocation of the undertaking, or
 - (b) in a case relating to part of an undertaking—
 - (i) for the relocation of the displaced part, or
 - (ii) for the purpose of providing land in substitution for the site of the displaced part.
- (2) For the purposes of subsection (1), the whole or part of an undertaking is displaced if the site on which it has previously been carried on is no longer reasonably capable of being used for the purposes of the undertaking.
- (3) The Acquisition of Land Act 1981 applies to the compulsory acquisition of land under this section.
- (4) In relation to a compulsory acquisition under this section—
 - (a) section 234 of TCPA 1990 (disposal of land) and section 236 of that Act (extinguishment of rights) apply as they apply where land is acquired as mentioned in those sections,
 - (b) section 237 of TCPA 1990 (power to override easements etc) applies as it applies to land acquired or appropriated by a local authority for planning purposes, but as if in subsections (1) and (1A) for “in accordance with planning permission” there were substituted “for the purpose for which the land was acquired”,
 - (c) sections 238, 239 and 241 of TCPA 1990 (use and development of consecrated land, burial grounds and open spaces) apply as if, in subsection (1)(a) of each

of those sections, for “for any purpose for which he acquired the land” there were substituted “, or by any other person, for any purpose for which the land was acquired”, and

- (d) section 245 of TCPA 1990 (modified application of Acquisition of Land Act 1981 and Compulsory Purchase Act 1965) applies as it applies where land is proposed to be acquired as mentioned in that section.
- (5) Sections 237, 238, 239 and 241 of TCPA 1990 also apply as mentioned in subsection (4)(b) and (c) where land is acquired by the Secretary of State, otherwise than under this section, for a purpose for which land may be acquired under this section.
- (6) The power to acquire land compulsorily under this section includes power to acquire an easement or other right over land by creating a new easement or right.
- (7) Section 13(2), (3) and (5) of, and Part 2 of Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1976 (application of compulsory purchase legislation) apply to a compulsory acquisition by virtue of subsection (6) as they apply to an acquisition of rights by virtue of section 13(1) of that Act.
- (8) In this section—
 - “TCPA 1990” means the Town and Country Planning Act 1990;
 - “undertaking” includes a business or facility.