



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Further high speed rail works

54 Rights of entry for further high speed rail works

- (1) An authorised person may, in connection with a Bill or proposed Bill to authorise works for a high speed railway line in Great Britain, enter any land within 500 metres of the proposed route of the line for the purpose of—
 - (a) surveying the land, or
 - (b) facilitating compliance with EU environmental protection legislation.
- (2) A person is authorised for the purposes of subsection (1)—
 - (a) in the case of residential land, if the person is authorised by a warrant issued by a justice of the peace (for residential land in England and Wales) or justice of the peace or sheriff (for residential land in Scotland);
 - (b) in the case of any other land, if the person is authorised in writing by the Secretary of State.
- (3) A person may only issue a warrant or give authorisation under subsection (2) if it appears to the person that—
 - (a) entry to the land for the purpose proposed is genuinely needed for purposes relating to the construction of the high speed railway line, and
 - (b) all reasonable attempts have been made to obtain consent to enter the land.
- (4) The reference in subsection (1) to a proposed Bill is to a Bill proposed in a Command Paper which the Secretary of State has presented to Parliament at any time in the previous five years.
- (5) A right to enter land under subsection (1) includes power—
 - (a) to take samples of anything in or on the land for the purpose for which the right of entry is exercised,
 - (b) to take on to the land such other persons as may be necessary, and

- (c) to take vehicles and equipment on to the land.
- (6) A right to enter land under subsection (1)(a) also includes power—
- (a) to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals or other matter in it (subject to section 55), and
 - (b) to place on, leave on and remove apparatus from the land.
- (7) In this section—
- “EU environmental protection legislation” means any EU instrument relating to—
 - (a) the conservation of habitats, flora and fauna, or
 - (b) the assessment of the effects of projects on the environment;
 - “residential land” means so much of any land as consists of—
 - (a) a dwelling or part of a dwelling,
 - (b) a garden, yard, private garage or outbuilding which is used and enjoyed wholly or mainly with a dwelling, or
 - (c) in the case of a building which includes one or more dwellings, any part of the building which is used and enjoyed wholly or mainly with those dwellings or any of them.
- (8) The reference in subsection (1) to a high speed railway line in Great Britain does not include one which starts, ends and remains in Scotland.
- (9) For the purposes of subsection (1), distance is to be measured from the centre line of the proposed route.
- (10) The Secretary of State may by order made by statutory instrument—
- (a) amend subsection (1) so as to substitute a different distance for the distance specified in it;
 - (b) provide, in relation to any class of case, that subsection (1) is to have effect as if a different distance were specified in it.
- (11) A statutory instrument containing an order under subsection (10)(a) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (12) If a draft of an instrument containing an order under subsection (10)(a) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.
- (13) A statutory instrument containing only an order under subsection (10)(b) is subject to annulment in pursuance of a resolution of either House of Parliament.