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*Changes to legislation:* There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Private rights. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 14

#### EXTINCTION OF RIGHTS OVER LAND

##### *Private rights*

- 2 (1) All private rights over land within paragraph 1(a) are extinguished at the appropriate time.
- (2) All private rights over land within paragraph 1(b) are extinguished at the appropriate time, so far as the continuance of those rights would be inconsistent with the exercise of the right acquired or the restrictive covenant imposed.
- (3) In this Schedule, “private rights” include—
- (a) private rights of way over land,
  - (b) rights of common,
  - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and
  - (d) restrictions as to the user of land arising under a contract.
- (4) Where the power under section 11(1) of the Compulsory Purchase Act 1965 (power of entry following notice to treat) is exercised in the case of land within paragraph 1(a) or (b), sub-paragraph (1) or (2) (as the case may be) has effect in relation to rights of common over the land notwithstanding anything in Schedule 4 to that Act (which preserves rights of common over land until payment of compensation).
- 3 (1) The Secretary of State may, in relation to a private right, direct—
- (a) that paragraph 2 does not apply to the right, or
  - (b) that paragraph 2 applies to the right only to the extent specified in the direction.
- (2) A direction under sub-paragraph (1) must be given before the appropriate time.
- (3) Paragraph 2 does not apply to—
- (a) a right over land which, were the land held otherwise than by the Secretary of State, would not be capable of being acquired under section 4(1), or
  - (b) a right to which section 271 or 272 of TCPA 1990 (extinguishment of rights of statutory undertakers etc) applies (and see section 11 of this Act as to the application of those sections).
- 4 (1) Any person who suffers loss by the extinction of a private right under paragraph 2 is entitled to be compensated by the nominated undertaker.
- (2) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.

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- (3) This paragraph does not apply where compensation in respect of rights of common is payable under Schedule 4 to the Compulsory Purchase Act 1965.

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