

LORDS AMENDMENTS TO THE
HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

[The page and line references are to HL Bill 111 the bill as first printed for the Lords]

Clause 4

- 1 Page 2, line 38, at beginning insert “Subject to subsection (6),”
- 2 Page 3, line 9, at end insert –
- “(6) This section does not apply to Plot 91 or Plot 91a in the Parish of Bickenhill in the Metropolitan Borough of Solihull, as shown on the deposited plans and in the deposited book of reference.
- (7) In subsection (6), “the deposited book of reference” means the book deposited in November 2013 in connection with the High Speed Rail (London - West Midlands) Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.”

After Clause 34

- 3 Insert the following new Clause –
- “Traffic regulation**
- Schedule (*Traffic regulation*) contains provision relating to traffic regulation.”

Clause 48

- 4 Page 18, line 3, leave out subsections (1) to (3)

Clause 60

- 5 Page 28, line 21, after “2-23,” insert “2-62,”
- 6 Page 28, line 21, leave out “, 4-43, 4-51 and 4-53” and insert “to 4-49, 4-51 to 4-53, 6-62, 6-63 and 7-101”

Clause 65

7 Page 32, line 17, at end insert “with 31 March 2018”

Clause 67

8 Page 33, line 13, at end insert –

““deposited statement” has the meaning given by subsection (5);”

9 Page 34, line 36, leave out “subsection (4)” and insert “this Act”

Schedule 1

10 Page 84, line 19, leave out “Road” and insert “Drive”

Schedule 2

11 Page 109, line 3, leave out “2010 (S.I. 2010/675)” and insert “2016 (S.I. 2016/1154)”

Schedule 4

12 Page 134, line 46, in column (1), after “Iver” insert “and Borough of Slough”

13 Page 147, leave out lines 26 and 27 and insert –

“Parish of Thorpe Mandeville	Banbury Road between points P4 and P5	Work No. 2/123
	Footpath BB3 between points P1 and P3	Footpath between points P1 and P2”

14 Page 147, in columns (2) and (3), leave out lines 28 and 29

15 Page 156, leave out lines 32 to 34

16 Page 156, line 45, at end insert –

“Parishes of Hints with Canwell and Weeford	A5 Trunk Road (Fazeley to Weeford New Road) within Act limits	Work No. 3/72”
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17 Page 156, line 46, in column (2), leave out “and Jerrys Lane”

18 Page 157, line 12, at end insert –

“Jerrys Lane within the limits of deviation of Work No. 3/74	Work No. 3/74”
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19 Page 162, line 34, leave out from beginning to end of line 4 on page 163

20 Page 169, line 35, at end insert –

“Hollow Hill Lane/ Market Lane	Within Act limits”
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21 Page 182, in columns (2) and (3), leave out line 29

22 Page 182, line 34, at end insert –

“Banbury Road	Between points T1 and T2”
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23 Page 185, line 25, at end insert –

“Footpath W158 Crew Lane	Within Act limits Within Act limits”
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24 Page 185, leave out lines 27 and 28

25 Page 186, in columns (2) and (3), leave out line 7

Schedule 12

26 Page 312, line 35, in the first column, leave out “Barton”

Schedule 14

27 Page 316, line 7, leave out paragraph 2 and insert –

“2 In section 7(2) (acquisition of airspace), for paragraphs (a) and (b) substitute –

- “(a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
- (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);
- (c) section 153(4A) of the Town and Country Planning Act 1990 (blighted land: proposed acquisition of part interest; material detriment test).

2A In section 8(2) (acquisition of subsoil or under-surface), for paragraphs (a) and (b) substitute –

- “(a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
- (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);

- (c) section 153(4A) of the Town and Country Planning Act 1990 (blighted land: proposed acquisition of part interest; material detriment test).””

- 28 Page 316, line 19, leave out from “notice)” to end of line 22 and insert “ –
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 9 metres below the surface;
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land, for “3 months” substitute “1 month”, and
- (b) after “11A(4)” insert “or (6) and (7).”

- 29 Page 316, line 24, leave out from “entry:” to end of line 30 and insert “further notices of entry) –
- (a) in subsection (1)(a), after “land” insert “under that provision”,
- (b) in subsection (2), after “land” insert “under that provision, to the extent that the newly identified person is the owner, lessee or occupier of the land,”,
- (c) in subsection (4)(a), for “14 days” substitute “7 days”, and
- (d) at the end insert –

“(5) Subsections (6) and (7) apply for the purposes of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person in a case where subsection (4) does not apply.

- (6) The period specified in the notice must be –
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 9 metres below the surface;
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land,
- a period that ends no earlier than the end of the period of 7 days beginning with the day on which the notice of entry is served, and
- (b) in any other case, a period that ends no earlier than the end of the period of 28 days beginning with the day on which the notice of entry is served.

- (7) The period specified in the notice must end no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.””

- 30 Page 316, line 33, leave out “, omit paragraphs 1(2) and 13(2)” and insert “ –
- (a) omit paragraphs 1(2) and 14(2), and

(b) at the end insert –

“PART 4

INTERPRETATION

30 In this Schedule, references to entering on and taking possession of land do not include doing so under Schedule 16 to the High Speed Rail (London - West Midlands) Act 2017 (temporary possession and use of land).”

- 31 Page 317, line 14, leave out “1” and insert “A1”
- 32 Page 318, line 17, at end insert “the whole or part of”
- 33 Page 318, leave out lines 20 to 23
- 34 Page 318, leave out lines 25 to 30
- 35 Page 318, line 32, leave out “whole of the land” and insert “house, building or factory”
- 36 Page 318, line 34, leave out “whole of the land” and insert “house, building or factory”
- 37 Page 319, line 13, leave out “whole of the land” and insert “house, building or factory”
- 38 Page 319, line 37, leave out “land to which the counter-notice relates” and insert “house, building or factory”
- 39 Page 319, line 40, leave out “land” and insert “house, building or factory”
- 40 Page 319, line 42, leave out second “the” and insert “that”
- 41 Page 319, line 44, leave out “land” and insert “house, building or factory”
- 42 Page 319, line 47, leave out “the whole of the” and insert “that”
- 43 Page 320, line 12, leave out “1” and insert “A1”
- 44 Page 320, line 22, leave out “1” and insert “A1”

Schedule 16

- 45 Page 334, line 43, in column (1), leave out “Manderville” and insert “Mandeville”

Schedule 18

- 46 Page 370, leave out lines 24 and 25
- 47 Page 371, leave out lines 41 to 43
- 48 Page 372, leave out lines 33 to 35 and insert –

“London	Borough	of	Monument	to	Maria
Hammersmith & Fulham			Tusten		
			Kensal Green Cemetery		

Grade II

Tomb of Marigold
Churchill

Kensal Green Cemetery

Grade II

Parish boundary markers

Kensal Green Cemetery

Grade II”

Schedule 21

49 Page 385, line 2, leave out “2010 (S.I. 2010/675)” and insert “2016 (S.I. 2016/1154)”

50 Page 385, line 4, leave out “23ZA” and insert “25”

After Schedule 24

51 Insert the following new Schedule –

“TRAFFIC REGULATION

Traffic authority to consult Secretary of State before making traffic regulation order

- 1 (1) This paragraph applies where –
 - (a) the traffic authority for a relevant road is a person other than the Secretary of State,
 - (b) the authority proposes to make a traffic regulation order in relation to the road, and
 - (c) it appears to the authority that provision made by the order could significantly interfere with the use of the road by heavy commercial vehicles for the purposes of the construction of Phase One of High Speed 2.
- (2) Before making the order, the authority must consult the Secretary of State (in addition to any other person the authority is required to consult under or by virtue of Part 3 of Schedule 9 to RTRA 1984).
- (3) In this paragraph –

“heavy commercial vehicle” has the same meaning as in RTRA 1984 (see section 138 of that Act);

“relevant road” means a road, other than a special road or trunk road, which falls within one or more of the following paragraphs –

 - (a) a road which is part of a route identified in a deposited statement as a construction traffic route;

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- (b) a road which is part of a route in relation to which approval has been given under paragraph 6 of Schedule 17 (routes for transportation by large goods vehicles);
 - (c) where a request for approval under paragraph 6 of Schedule 17 has been made but not determined, a road which is part of a route to which the request for approval relates;
 - (d) a road any part of which is within the Act limits.
 - (4) For the purposes of the definition of “relevant road”, “special road” and “trunk road” have the same meanings as in the Highways Act 1980.
- 2
- (1) The Secretary of State may by notice designate –
 - (a) a road, or part of a road, in relation to which paragraph 1(2) does not apply;
 - (b) a description of traffic regulation orders in relation to which paragraph 1(2) does not apply.
 - (2) A notice under sub-paragraph (1)(a) has effect until further notice.
 - (3) The Secretary of State must give a notice under sub-paragraph (1)(a) to the traffic authority for the road (or part of the road) to which the notice relates.
 - (4) A notice under sub-paragraph (1)(b) may have effect generally or in relation to areas specified in the notice.
 - (5) The Secretary of State must give a notice under sub-paragraph (1)(b) to every traffic authority which would be affected by the notice.
 - (6) Failure by a traffic authority to comply with paragraph 1(2) in relation to a traffic regulation order does not affect the validity of the order.
- 3
- (1) Paragraph 1(2) ceases to apply in relation to a traffic authority if the Secretary of State gives the authority a notice stating that –
 - (a) no further works are proposed to be constructed under this Act in the authority’s area, and
 - (b) the use of relevant roads in the authority’s area is no longer required by heavy commercial vehicles for the purposes of the construction of Phase One of High Speed 2.
 - (2) Paragraph 1(2) ceases to apply in relation to a particular part of the area of a traffic authority (“the relevant part”) if –
 - (a) the Secretary of State reasonably considers that the relevant part can be treated separately from the rest of the authority’s area for the purposes of paragraph 1(2), and
 - (b) the Secretary of State gives the authority a notice stating that –
 - (i) no further works are proposed to be constructed under this Act in the relevant part, and
 - (ii) the use of relevant roads in the relevant part is no longer required by heavy commercial vehicles for the purposes of the construction of Phase One of High Speed 2.
 - (3) The Secretary of State must give a traffic authority a notice under sub-paragraph (1) or (2) as soon as reasonably practicable after the Secretary of State forms the view that the applicable requirements are met.

- (4) For the purposes of sub-paragraph (3), the applicable requirements are met –
 - (a) in a sub-paragraph (1) case, if sub-paragraph (1)(a) and (b) apply in relation to the authority’s area, and
 - (b) in a sub-paragraph (2) case, if sub-paragraph (2)(b)(i) and (ii) apply in relation to the relevant part.
- (5) In this paragraph, “heavy commercial vehicle” and “relevant road” have the same meanings as in paragraph 1.

Power of Secretary of State to direct traffic authority to make traffic regulation order

- 4 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that the making of such an order is –
 - (a) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and
 - (b) reasonable in the circumstances.
 - (2) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph.
 - (3) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State’s consent make a further traffic regulation order which contains –
 - (a) provision varying or revoking the relevant order, or
 - (b) provision as respects any length of road for any purpose where –
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the relevant order.
 - (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.
- 5 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 1, 6 or 9 of RTRA 1984.
 - (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule.
 - (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if –
 - (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted,
 - (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders) –
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 4(3) of this Schedule, and

-
- (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 4(3) of this Schedule, and
 - (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted.
 - (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if—
 - (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 4 above, and
 - (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
- 6
- (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 14 of RTRA 1984.
 - (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
 - (3) The order has effect for the period specified or described in the direction.
 - (4) The period specified or described by virtue of sub-paragraph (3) must be such as the Secretary of State considers is reasonable for the purposes of the construction of Phase One of High Speed 2.

Further powers of Secretary of State (including in relation to variation or revocation of orders)

- 7
- (1) The Secretary of State may direct a traffic authority to revoke a traffic regulation order made by the authority in pursuance of a direction under paragraph 4.
 - (2) The Secretary of State may direct a traffic authority to vary a traffic regulation order made by the authority in pursuance of a direction under paragraph 4, where—
 - (a) the Secretary of State considers that the variation is—
 - (i) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and
 - (ii) reasonable in the circumstances, or
 - (b) the effect of the variation is to remove or relax a restriction imposed by the order on the use of any road.
- 8
- (1) Where a traffic authority fails to comply with a direction under paragraph 4, the Secretary of State may make the traffic regulation order required by the direction.
 - (2) Where a traffic authority fails to comply with a direction under paragraph 7, the Secretary of State may by order vary or revoke the traffic regulation order (as required by the direction).

- 9 (1) The Secretary of State may by order made by statutory instrument vary or revoke a traffic regulation order (whenever made) if the Secretary of State considers the variation or revocation –
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and
 - (b) reasonable in the circumstances.
- (2) This paragraph has effect without prejudice to the powers conferred on the Secretary of State by paragraphs 7 and 8.
- 10 (1) This paragraph applies to an order under paragraph 8 or 9.
- (2) Paragraph 4 of Schedule 9 to RTRA 1984 (reserve powers of Secretary of State, including power to recover expenses) applies to the order as it applies to an order made by virtue of paragraph 3 of that Schedule.
- (3) Parts 3 and 4 of Schedule 9 to RTRA 1984, and regulations made under paragraph 24 of that Schedule, apply to the order as they apply to an order made by virtue of the relevant paragraph of that Schedule, but as if –
- (a) any provision in the regulations relating to the holding of a public inquiry were omitted, and
 - (b) for the purposes of the application of paragraph 28 of that Schedule (provision about the variation or revocation of certain orders) –
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 10(5) of this Schedule, and
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 10(5) of this Schedule.
- (4) For the purposes of sub-paragraph (3), “the relevant paragraph” of Schedule 9 to RTRA 1984 is –
- (a) in the case of an order under paragraph 8 of this Schedule, paragraph 3 of that Schedule, and
 - (b) in the case of an order under paragraph 9 of this Schedule, paragraph 7 of that Schedule.
- (5) Where the Secretary of State makes an order to which this paragraph applies, the relevant authority may not without the Secretary of State’s consent make a further traffic regulation order which contains –
- (a) provision varying or revoking the Secretary of State’s order, or
 - (b) provision as respects any length of road for any purpose where –
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the Secretary of State’s order.
- (6) Paragraph 16 of Schedule 9 to RTRA 1984 (powers of Secretary of State where an order is submitted for consent) applies for the purposes of sub-paragraph (5) as if the further traffic regulation order had been submitted for consent under Part 2 of that Schedule.

Power to restrict traffic authority from making or implementing traffic regulation order

- 11 (1) The Secretary of State may give a direction to a traffic authority prohibiting the authority from making or bringing into operation a traffic regulation order (whenever made) if the Secretary of State considers that such an order could significantly interfere with the use of any road for the purposes of the construction of Phase One of High Speed 2.
- (2) A prohibition imposed by virtue of this paragraph may be expressed –
 - (a) so as to have effect generally or for a period specified in the direction;
 - (b) so as to prohibit the making or bringing into operation of a traffic regulation order without the Secretary of State's consent.
- (3) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.

Consultation requirements applicable to Secretary of State

- 12 (1) The Secretary of State must consult a traffic authority –
 - (a) before giving a direction to the authority under paragraph 4, 7 or 11, or
 - (b) before making an order under paragraph 8(2) or 9 in relation to a traffic regulation order made by the authority.
- (2) The purpose of consultation is –
 - (a) to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience, and
 - (b) to take account of the requirements (however expressed) to which the traffic authority is subject under an enactment or under an agreement or undertaking entered into in pursuance of an enactment.

Guidance

- 13 (1) The Secretary of State must prepare a statement setting out, in general terms –
 - (a) guidance in connection with the duty under paragraph 1(2) (which requires a traffic authority to consult the Secretary of State before making a traffic regulation order), and
 - (b) how the Secretary of State proposes to exercise the powers conferred on the Secretary of State by the preceding provisions of this Schedule.
- (2) The Secretary of State may from time to time revise the statement.
- (3) In preparing or revising the statement, the Secretary of State must consult –
 - (a) the nominated undertaker, and
 - (b) those traffic authorities which the Secretary of State considers are likely to be subject to the duty under paragraph 1(2) or to be affected by the exercise of the powers mentioned in subparagraph (1)(b) (or both).

Removal of vehicles

- 14 (1) An authorised person may remove a vehicle, or arrange for its removal, where conditions 1 and 2 are met.
- (2) Condition 1 is that the vehicle has been permitted to remain at rest, or has broken down and remained at rest –
- (a) on any road in contravention of a prohibition or restriction imposed by a traffic regulation order, or
 - (b) on any road which is stopped up under paragraph 2 or 6 of Schedule 4.
- (3) Condition 2 is that it appears to the authorised person that the vehicle is likely, if it is not removed –
- (a) to obstruct the carrying out of any of the works authorised by this Act, or
 - (b) to be at risk of being damaged in consequence of the doing of anything for the purposes of the construction of Phase One of High Speed 2.
- (4) References in sub-paragraphs (1) and (3) to the removal of a vehicle are to its removal to another position on the road in question or to another road.
- (5) Before exercising the power under sub-paragraph (1), an authorised person must give notice to –
- (a) the local authority (as defined by section 100(5) of RTRA 1984) in whose area the vehicle is situated, and
 - (b) the chief officer of the police force in whose area the vehicle is situated.
- (6) A person removing a vehicle under or by virtue of sub-paragraph (1) may do so –
- (a) by towing or driving the vehicle, or
 - (b) in such other manner as the person thinks necessary,
- and may take such measures in relation to the vehicle as the person thinks necessary to enable its removal.
- (7) This paragraph is without prejudice to provision made by regulations under section 99 of RTRA 1984.
- (8) In this paragraph –
- “authorised person” means a person authorised by the nominated undertaker for the purposes of this paragraph;
 - “vehicle” has the same meaning as in section 99 of RTRA 1984.

Interpretation

- 15 In this Schedule –
- “road” has the same meaning as in RTRA 1984 (see section 142(1) of that Act);
 - “RTRA 1984” means the Road Traffic Regulation Act 1984;
 - “traffic authority” has the same meaning as in RTRA 1984 (see section 121A of that Act);
 - “traffic regulation order” means an order section 1, 6, 9 or 14 of RTRA 1984.”

Schedule 25

- 52 Page 394, line 7, leave out “or 6” and insert “6, 9 or 14”

Schedule 32

- 53 Page 419, line 34, leave out “Energy and Climate Change” and insert “Business, Energy and Industrial Strategy”
- 54 Page 422, line 20, leave out “Energy and Climate Change” and insert “Business, Energy and Industrial Strategy”

LORDS AMENDMENTS TO THE
HIGH SPEED RAIL
(LONDON - WEST MIDLANDS) BILL

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