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SCHEDULES

THIRD SCHEDULE

COMPULSORY PURCHASE OF LAND UNDER PART III

PART I

PROCEDURE FOR AUTHORISING COMPULSORY PURCHASES

General

- 1 (1) A compulsory purchase order under Part III of this Act shall be in the prescribed form and shall describe by reference to a map the land to which it applies.
- (2) If the order is made under section forty-three of this Act it shall show in the prescribed manner—
 - (a) what parts, if any, of the land to be purchased compulsorily are outside the clearance area, and
 - (b) what buildings, if any, to be purchased compulsorily are included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area.
- 2 (1) Before submitting the order to the Minister the local authority shall—
 - (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and
 - (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee of any land to which the order relates, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation and specifying the time within and the manner in which objections thereto can be made:

Provided that in the case of an order under section fifty-seven of this Act the notice need not be served on a mortgagee of any land unless it is land comprising or consisting of a house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit.

- (2) A notice which under this paragraph is to be served on an owner, lessee or occupier may be served by addressing it to him by (the description of " owner " or " lessee " or " occupier " of the land (describing it) to which it relates and by delivering it to

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some person on the premises or, if there is no person on the premises to whom it may be delivered, by fixing it, or a copy of it, to some conspicuous part of the premises.

The provisions of this subsection shall be without prejudice to the service of a notice in a manner authorised by section one hundred and sixty-nine of this Act.

- (3) For the purposes of this paragraph an occupier being a statutory tenant within the meaning of Part II of the Housing Repairs and Rents Act, 1954, shall be deemed to be a tenant for a period less than a month.

Procedure for orders for the compulsory purchase of land within, surrounded by or adjoining a clearance area

- 3 (1) The provisions of this paragraph shall have effect with respect to any order made under section forty-three or section fifty-one of this Act.
- (2) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions of this Part of this Schedule, the Minister may, if he thinks fit, confirm the order with or without modification.
- (3) If any objection duly made is not withdrawn, the Minister shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom an objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and, after considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed as aforesaid, may, subject to the provisions of this Part of this Schedule, confirm the order with or without modification.
- (4) Where any objection not withdrawn has been made on the ground that a building included in the order is not unfit for human habitation the public local inquiry or hearing shall not be held earlier than the expiration of fourteen days after it has been shown to the satisfaction of the Minister (that the local authority have served upon the objector a notice in writing stating what facts they allege as their principal grounds for being satisfied that the building is so unfit.
- (5) A person who objects to the order on the grounds that a building included therein, being a building in which he is interested, is not unfit for human habitation and who appears at the public local inquiry or hearing in support of his objection shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.
- (6) Notwithstanding anything in the foregoing provisions of this paragraph, the Minister may require any person who has made an objection to state in writing the grounds thereof and may disregard the objection for the purposes of this paragraph if he is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.
- 4 (1) An order as confirmed by the Minister under the last foregoing paragraph shall not authorise the local authority to purchase any land which the order would not have authorised them to purchase if it had been confirmed without modification.
- (2) An order under section forty-three of this Act shall not, as confirmed under the last foregoing paragraph,—

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- (a) authorise the local authority to purchase as being land comprised in a clearance area any land shown in the order as submitted as being outside that area ; or
 - (b) authorise the local authority to purchase compulsorily any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification.
- (3) If the Minister is of opinion that any land included by the local authority in a clearance area should not have been so included, he shall in confirming an order made under section forty-three of this Act modify it so as to exclude that land for all purposes from the clearance area, but if in any such case he is of opinion that the land may properly be purchased by the authority under subsection (2) of that section, he shall further modify the order so as to authorise the local authority to purchase that land under that subsection and not as being land comprised in a clearance area.
- (4) The Minister may confirm an order made in connection with a clearance area notwithstanding that the effect of the modifications made by him in excluding any building from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of the order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

Procedure for orders for compulsory purchase of land for purposes of re-development

- 5 (1) The provisions of this paragraph shall have effect with respect to any order under section fifty-seven of this Act.
- (2) If any objection is duly made in writing by any of the persons on whom notices are required to be served, stating as the ground thereof either—
- (a) that any house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit ought not to have been so indicated ; or
 - (b) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan ; or
 - (c) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Minister can be dealt with by the tribunal by whom the compensation is to be assessed ;

the Minister shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then, subject to the provisions of this Schedule, confirm the order either with or without modification, and in any other case the Minister may, subject as aforesaid, confirm the order with or without modification and either after, or without, causing a public local inquiry to be held.

- (3) Where any objection not withdrawn has been made on the ground that a building included in the order is not unfit for human habitation the public local inquiry shall not be held earlier than the expiration of fourteen days after it has been shown to the satisfaction of the Minister that the local authority have served upon the objector a notice in writing stating what facts they allege as their principal grounds for being satisfied that the building is so unfit.

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- (4) A person who objects to the order on the grounds that a building included therein, being a building in which he is interested, is not unfit for human habitation and who appears at the public local inquiry in support of his objection shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.
- 6 An order as confirmed by the Minister under the last foregoing paragraph shall not authorise the local authority to purchase any land which the order would not have authorised them so to purchase if it had been confirmed without modification, or to purchase, as being a house unfit for human habitation, and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.