



New Towns Act 1981

1981 CHAPTER 64

PART I

NEW TOWNS AND THEIR DEVELOPMENT CORPORATIONS

Acquisition of land by development corporations and highway authorities

10 Acquisition of land by development corporations.

- (1) A development corporation may, with the Secretary of State's consent, acquire by agreement, or may, by means of an order made by the corporation and submitted to and confirmed by the Secretary of State in accordance with Part I of Schedule 4 to this Act, be authorised to acquire compulsorily—
 - (a) any land within the area of the new town, whether or not it is proposed to develop that particular land;
 - (b) any land adjacent to that area which they require for purposes connected with the development of the new town;
 - (c) any land, whether adjacent to that area or not, which they require for the provision of services for the purposes of the new town.
- (2) A compulsory purchase order under this section shall, in so far as it relates to land—
 - (a) which is the property of a local authority, or which is held inalienably by the National Trust, or
 - (b) which forms part of a common, open space or fuel or field garden allotment, be subject to the special provisions of Part IV of Schedule 4.
- (3) Where a development corporation have been authorised under subsection (1) above to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, they may be authorised under that subsection to acquire compulsorily, or may, with the Secretary of State's consent, acquire by agreement, land for giving in exchange for the land acquired.

Changes to legislation: New Towns Act 1981, Cross Heading: Acquisition of land by development corporations and highway authorities is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Part V of Schedule 4 has effect with respect to the validity and date of operation of compulsory purchase orders under this section.
- (5) In relation to operational land of statutory undertakers this section has effect subject to section 13 below.

Modifications etc. (not altering text)

- C1** S. 10(1) functions made exercisable (E.) (24.7.2018) by [The New Towns Act 1981 \(Local Authority Oversight\) Regulations 2018 \(S.I. 2018/891\)](#), regs. 1, **3(1)** (with reg. 3(2))
- C2** S. 10(3) functions made exercisable (E.) (24.7.2018) by [The New Towns Act 1981 \(Local Authority Oversight\) Regulations 2018 \(S.I. 2018/891\)](#), regs. 1, **3(1)** (with reg. 3(2))

11 Acquisition of land for highways.

- (1) Where the Secretary of State is satisfied that the construction or improvement of a road is needed—
- (a) outside the area of a new town, for the purpose of securing the development of land in that area in accordance with proposals approved by him under section 7 above, or
 - (b) for the purpose of providing proper means of access to such an area,
- a local highway authority may be authorised by means of an order made by the authority and submitted to and confirmed by the Secretary of State in accordance with Parts I and II of Schedule 4 to this Act, to acquire compulsorily any land as to which he is satisfied that its acquisition by the authority is requisite—
- (i) for the construction or improvement of the road, or
 - (ii) for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting on or adjacent to the road.
- (2) If the Secretary of State—
- (a) is satisfied that the construction or improvement of a road is needed to supersede a part of ^[F1]a road for which he is the highway authority], and
 - (b) it appears to him that such supersession is expedient for any such purpose as is mentioned in subsection (1)(a) or (b) above,
- he may be authorised, by means of an order made by him in accordance with Part III of Schedule 4, to acquire compulsorily any land as to which he is satisfied that its acquisition by him is requisite as mentioned in subsection (1)(i) or (ii).
- (3) A compulsory purchase order under this section shall, in so far as it relates to land—
- (a) which is the property of a local authority or which is held inalienably by the National Trust, or
 - (b) which forms part of a common, open space or fuel or field garden allotment,
- be subject to the special provisions of Part IV of Schedule 4.
- (4) Where an acquiring authority have been authorised under subsection (1) or subsection (2) above to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, that authority may be authorised under the same subsection to acquire compulsorily land for giving in exchange for the land acquired.
- (5) Part V of Schedule 4 has effect with respect to the validity and date of operation of compulsory purchase orders under this section.

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- (6) A local highway authority may, with the Secretary of State's consent, acquire by agreement any land which they could be authorised under subsection (1) to acquire compulsorily.
- (7) In relation to operational land of statutory undertakers the foregoing provisions of this section have effect subject to section 13 below.

Textual Amendments

F1 Words in s. 11(2)(a) substituted (01. 11. 1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 112](#); S.I. 1991/2288, [art. 3](#), Sch.

12 Local land charges under ss. 10 and 11.

A compulsory purchase order under section 10 or section 11 above shall, when operative, be a local land charge.

13 Acquisition of statutory undertakers' operational land.

- (1) In the case of operational land of statutory undertakers—
- (a) an order—
- (i) under section 10(1) above authorising the compulsory acquisition of that land by a development corporation, or
- (ii) under section 11(1) above authorising its compulsory acquisition by a local highway authority,
- instead of being made and confirmed as provided in section 10(1) or section 11(1), as the case may be, may be made by the Secretary of State and the appropriate Minister in accordance with Part I of Schedule 5 to this Act, on the application of that development corporation or local highway authority,
- (b) an order under section 11(2) authorising the compulsory acquisition of that land by the Secretary of State, instead of being made as provided in section 11(2), may be made by the Secretary of State and the appropriate Minister in accordance with Part II of Schedule 5,
- and in relation to a compulsory purchase order made as provided in paragraph (a) or paragraph (b) above Parts IV and V of Schedule 4 to this Act shall apply accordingly, subject in the case of Part V to the modifications set out in Part III of Schedule 5.
- (2) If—
- (a) any objection to an application for a compulsory purchase order to be made in accordance with subsection (1)(a) above, or to a proposal to make such an order in accordance with subsection (1)(b) above, is duly made by any statutory undertakers, and
- (b) any of the land to which the application or the proposal relates is operational land of those undertakers,
- then, unless that objection is withdrawn, any order made on the application or proposal shall be subject to special parliamentary procedure.
- (3) Where a compulsory purchase order under section 10 or section 11, not being an order made as provided in subsection (1)(a) or subsection (1)(b), is submitted, or is proposed to be made, in accordance with Schedule 4, and with respect to any land (being the

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whole or part of the land to which the order relates) statutory undertakers make to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made—

- (a) a representation that the first-mentioned land is operational land, and
- (b) a request for that land to be excluded from the order,

and it is determined that that land is operational land, then, subject to the following provisions of this section—

- (i) if that land constitutes the whole of the land to which the order relates, the order shall not be confirmed or not be made, as the case may be; and
- (ii) if that land forms part only of the land to which the order relates, the order shall be modified so as to exclude that land.

- (4) Where it is proposed to make an order under section 1 above, any statutory undertakers may, with respect to any land within the area to be designated by the order as the site of the proposed new town, make to the appropriate Minister, in the prescribed form and within the time allowed for making objections to the order, a representation that that land is operational land.
- (5) Where a representation is made under subsection (4) above with respect to any land, the Secretary of State and the appropriate Minister may make an order, which shall be subject to special parliamentary procedure, declaring that it is expedient that that land should be subject to compulsory acquisition.
- (6) Where, in the case of a compulsory purchase order under section 10, any land to which the order relates is within the area of a new town and is land in relation to which, apart from this subsection, subsection (3) above would apply, then subsection (3) shall not apply in relation to that land—
 - (a) if no representation was made under subsection (4) with respect thereto; or
 - (b) if an order under subsection (5) above has come into force with respect thereto.

14 Application of Compulsory Purchase Act 1965 and modification of Land Compensation Act 1961.

- (1) Part I of the ^{M1}Compulsory Purchase Act 1965 applies in relation to the acquisition of land under this Act subject to any necessary adaptations and to Part I of Schedule 6 to this Act.
- (2) The ^{M2}Land Compensation Act 1961, in its application for the purposes of this Act, has effect subject to any necessary adaptations and to Part II of Schedule 6.
- (3) A compulsory purchase order may provide for the incorporation with this Act of section 77 of the ^{M3}Railway Clauses Consolidation Act 1845 (which relates to the exception of minerals from purchases) and sections 78 to 85 of that Act (which relate to restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section 15 of the ^{M4}Mines (Working Facilities and Support) Act 1923, or of that section 77 only.
- (4) The provision referred to in subsection (3) above—
 - (a) may be made as to all or any of the land to which the compulsory purchase order relates, and
 - (b) may include such modification of references in those sections to the railway or works, or to the company, as may be specified in the order,

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and for the purposes of any such incorporation of those sections, this Act and the compulsory purchase order shall be deemed to be the special Act.

Marginal Citations

- M1 1965 c. 56.
- M2 1961 c. 33.
- M3 1845 c. 20.
- M4 1923 c. 20.

15 Compensation for acquisition of statutory undertakers' operational land.

- (1) Where statutory undertakers are entitled to compensation in respect of a compulsory acquisition under this Act of operational land, Schedule 7 to this Act shall have effect as regards the assessment of the amount of that compensation.
- (2) In this section “compensation in respect of a compulsory acquisition” includes—
 - (a) compensation payable in connection with the acquisition for damage sustained by reason of the severing of the land acquired from other land held therewith or otherwise injuriously affecting such other land; and
 - (b) compensation payable for disturbance or any other matter not directly based on the value of the land.

16 Extinguishment of rights over land compulsorily acquired.

- (1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.
- (2) Subsection (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking [^{F2}or to any right conferred by or [^{F3}in accordance with the electronic communications code] on the operator of [^{F4}an electronic communications code network] or to any [^{F5}electronic communications apparatus] kept installed for the purposes of any [^{F6}such network].]
- (3) In respect of any right or apparatus not falling within subsection (2) above, subsection (1) shall have effect subject—
 - (a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) shall not apply to any right or apparatus specified in the direction; and
 - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.
- (5) Any compensation payable under this section shall be determined in accordance with the ^{M5}Land Compensation Act 1961.

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Textual Amendments

- F2** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\), Sch. 4 para. 79\(2\), Sch. 5 para. 45](#)
- F3** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 57\(1\)\(a\)\(2\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F4** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 57\(1\)\(a\)\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F5** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 57\(1\)\(a\)\(2\)\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F6** Words in s. 16(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 57\(1\)\(a\)\(2\)\(f\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

Marginal Citations

- M5** 1961 c. 33.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A(1) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(2) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(4) word inserted by [2023 c. 55 Sch. 16 para. 7\(4\)\(b\)](#)
- s. 1A(4) words substituted by [2023 c. 55 Sch. 16 para. 7\(4\)\(a\)](#)
- s. 1A(5)(a) words substituted by [2023 c. 55 Sch. 16 para. 7\(5\)\(a\)](#)
- s. 1ZA1ZB inserted by [2023 c. 55 s. 172\(2\)](#)
- s. 2(1A) inserted by [2023 c. 55 Sch. 16 para. 8](#)
- s. 3(2B)-(2D) inserted by [2023 c. 55 s. 172\(3\)\(c\)](#)
- s. 3(2ZA)(2ZB) inserted by [2023 c. 55 s. 178\(2\)\(b\)](#)
- s. 7A7B inserted by [2023 c. 55 s. 175\(2\)](#)
- s. 60(1A) inserted by [2023 c. 55 s. 179\(2\)\(b\)](#)
- s. 77(3E) inserted by [2023 c. 55 Sch. 17 para. 1\(3\)](#)
- Sch. 3 para. 10A10B and cross-heading inserted by [2023 c. 55 s. 175\(3\)](#)