



# Acquisition of Land Act 1981

## 1981 CHAPTER 67

### PART I

#### GENERAL

#### 1 Application of Act.

- (1) In this Act “compulsory purchase” means a compulsory purchase of land, being—
- (a) a compulsory purchase to which this Act applies by virtue of any other enactment, whether or not passed or made before this Act, or
  - (b) a compulsory purchase under an enactment specified in subsection (2) below.
- (2) The enactments referred to in subsection (1)(b) above are—
- section 2 of the <sup>M1</sup>Metropolitan Police Act 1886,
  - section 1(3) of the <sup>M2</sup>Military Lands Act 1892,
  - sections 25(1) and 39(1) of the <sup>M3</sup>Small Holdings and Allotments Act 1908,
  - section 5(1) of the <sup>M4</sup>Development and Road Improvement Funds Act 1909 as it applies to acquisition by local authorities (as defined in section 7(1) of this Act) or the Secretary of State,
  - section 4 of the <sup>M5</sup>Small Holdings and Allotments Act 1926,
  - ... <sup>F1</sup>
  - section 90(1) of the <sup>M6</sup>Education Act 1944,
  - ... <sup>F1</sup>
- (3) In this section “enactment” includes any statutory instrument.

#### Textual Amendments

**F1** Words repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

#### Marginal Citations

**M1** 1886 c. 22.

*Status: Point in time view as at 01/12/1991.*

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<b>M2</b>	1892 c. 43.
<b>M3</b>	1908 c. 36.
<b>M4</b>	1909 c. 47.
<b>M5</b>	1926 c. 52.
<b>M6</b>	1944 c. 31.

### Compulsory purchase

#### 2 Procedure for authorisation.

- (1) The authorisation of a compulsory purchase shall be conferred by an order (in this Act called a “compulsory purchase order”).
- (2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister shall be made by that authority and submitted to and confirmed by the confirming authority in accordance with Part II of this Act.
- (3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with Schedule 1 to this Act.

#### 3 Minerals.

Schedule 2 to this Act (exception of minerals from purchases etc.) shall have effect.

#### 4 Assessment of compensation.

- (1) In relation to a compulsory purchase the <sup>M7</sup>Land Compensation Act 1961 shall have effect subject to the provisions of this section.
- (2) The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

#### Modifications etc. (not altering text)

- C1** S. 4 applied (with modifications) by [Water Act 1989](#) (c. 15, SIF 130), s. 155(3)(4)(7), **Sch. 20 para. 6(1)(b)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C2** S. 4 applied by [Dartford-Thurrock Crossing Act 1988](#) (c. 20, SIF 59), ss. 2(2), 19, **Sch. 2 Pt. II para. 6**  
S. 4 applied (5.11.1993) by [1993 c. 42](#), s. 5, **Sch. 4 para. 4** (with s. 30(1), Sch. 2 para. 9).
- C3** S. 4 modified (13. 2. 1992) by [Severn Bridges Act 1992](#) (c. 3), s. 2(6), **Sch. 2 Pt. II para.5**  
S. 4 modified (28.7.1998) by [1998 c. iv](#), **s. 9** (with s. 41)
- C4** S. 4 applied (with modifications) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), ss. 167, 223(2), **Sch. 11 para. 6(1)(b)** (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)  
S. 4 applied (with modifications) (1.12.1991) by [Water Resources Act 1991](#) (c. 57, SIF 130), ss. 168, 225(2), **Sch. 19 para. 6(1)(b)** (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)

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- C5** S. 4 extended (18.12.1996) by 1996 c. 61, s. 4, **Sch. 4 Pt. III para. 16**  
**C6** S. 4 applied (12.8.2002) by **The Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), art. 7**

**Marginal Citations**

- M7** 1961 c. 33.

*Supplemental*

**5 Local inquiries.**

- (1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit.
- (2) Subsections (2) and (3) of section 250 of the <sup>M8</sup>Local Government Act 1972 (giving of evidence on inquiries) shall apply to a public local inquiry held in pursuance of this Act.
- (3) In relation to—
  - (a) a proposed acquisition of land by an authority other than a Minister, or
  - (b) the proposed extinction under Part VI of this Act of a right of way over land acquired or proposed to be acquired by an authority other than a Minister,subsections (4) and (5) of the said section 250 (defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act.

**Marginal Citations**

- M8** 1972 c. 70.

**6 Service of documents.**

- (1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section 7 of the <sup>M9</sup>Interpretation Act 1978 the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:  
  
Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.
- (4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made

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and that it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which it relates, and by delivering it to some person on the <sup>F2</sup>land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land].

#### Textual Amendments

**F2** Words in s. 6(4) substituted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para8; [S.I. 1991/2067](#), [art.3](#).

#### Modifications etc. (not altering text)

**C7** S. 6 applied (13. 2. 1992) by [British Railways Act 1992 \(c. i\)](#), [s.17\(2\)](#).

**C8** S. 6 applied (with modifications) (18.12.1996) by [1996 c. 61](#), s. 2, [Sch. 2 paras. 6\(8\), 7\(8\)](#)

S. 6 applied (with modifications) (21.7.1994) by [1994 c. xi](#), [s. 23\(2\)](#)(with s. 39)

S. 6 applied (with modifications) (21.7.1994) by [1994 c. xv](#), [s. 22\(b\)](#)(with s. 47)

#### Marginal Citations

**M9** [1978 c. 30](#).

### Interpretation

## 7 Interpretation.

(1) In this Act, except where the context otherwise requires—

“acquiring authority”, in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,

“compulsory purchase order” means an order under section 2(1) above,

“confirming authority”, in relation to a compulsory purchase, means, where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,

“land”—

- (a) includes messuages, tenements and hereditaments, and
- (b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,
 

<sup>F3</sup>“local authority” means—

  - (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
  - (b) a levying body within the meaning of section 74 of that Act;
  - (c) a body as regards which section 75 of that Act applies;
  - (d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and
  - (e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple,]

“National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the <sup>M10</sup>National Trust Act 1907,

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“owner” in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years <sup>[F4]</sup> and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative],

“prescribed”: see subsection (2) below.

- (2) Anything which, by Part II or III of this Act, or Schedule 1 or 3 of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

#### Subordinate Legislation Made

**P1** s. 7 power exercised by S.I. 1982/6, 1990/613

#### Textual Amendments

**F3** Definition substituted by S.I. 1990/776, art. 8 Sch. 3 Pt. I para. 23

**F4** Words in s. 7 (definition of "owner") inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, Sch. 15 para. 9; S.I. 1991/2067, art.3.

#### Marginal Citations

**M10** 1907 c. cxxxvi.

## 8 Statutory undertakers.

- (1) In this Act, unless the context otherwise requires, “statutory undertakers” means—
- (a) any person authorised by any enactment to construct, work or carry on—
    - (i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or
    - (ii) any dock, harbour, pier or lighthouse undertaking, or
    - (iii) any undertaking for the supply of . . . <sup>F5</sup>, . . . <sup>F6</sup>, [<sup>F7</sup> or hydraulic power], or
  - (b) . . . . . <sup>F8</sup> the Civil Aviation Authority, or
  - (c) the Post Office . . . <sup>F9</sup>,

and in this subsection “enactment” means any Act or any order or scheme made under or confirmed by an Act.

- (2) . . . . . <sup>F10</sup>

- (3) In this Act “the appropriate Minister” means, in relation to any statutory undertakers, the Secretary of State.

- (4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

#### Textual Amendments

**F5** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), Sch. 18

**F6** Word repealed by Gas Act 1986 (c. 44, SIF 44:1, 2), s. 67(4), Sch. 9 Pt. I

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| <b>F7</b>  | Words substituted by <a href="#">Water Act 1989</a> (c. 15, SIF 130), s. 190, <b>Sch. 25 para. 65</b> (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) |
| <b>F8</b>  | Words repealed by <a href="#">Airports Act 1986</a> (c. 31, SIF 9), s. 83(5), <b>Sch. 6 Pt. I</b>   |
| <b>F9</b>  | Words repealed by <a href="#">Telecommunications Act 1984</a> (c. 12, SIF 96), Sch. 4 para. 3(1), s. 109(1)(4)(6), <b>Sch. 5 para. 45</b> and Sch. 7 Pt. I  |
| <b>F10</b> | S. 8(2) repealed by <a href="#">Airports Act 1986</a> (c. 31, SIF 9), s. 83(5), <b>Sch. 6 Pt. I</b>   |

## 9 Land held inalienably.

For the removal of doubt it is hereby declared that any power conferred—

- (a) under this Act, or
- (b) by or under the Acquisition of Land (Authorisation Procedure) Act 1946, or any enactment passed before the commencement of that Act,

to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

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