

*Status: Point in time view as at 01/10/1992.*

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## SCHEDULES

### SCHEDULE 1 **E+W**

Section 2(3).

#### PURCHASES BY MINISTERS

- 1 (1) This Schedule has effect where a Minister is the acquiring authority.
- (2) The compulsory purchase order shall be prepared in draft and shall describe by reference to a map the land to which it applies.
- (3) Subject as aforesaid the form of the order shall be such as the Minister may determine.
- (4) As soon as may be after the draft of the order has been prepared, and before making the order, the Minister shall comply with paragraphs 2 and 3 below.
- (5) The provisions of the said paragraphs 2 and 3 as to the notice thereby required shall apply subject to such modifications of the form of the notice as appear to the Minister to be requisite.

#### *Notices in newspapers*

- 2 (1) The Minister shall in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the draft order is situated.
- (2) The notice shall—
  - (a) state that the order has been prepared in draft and is about to be made,
  - (b) describe the land and state the purpose for which the land is required,
  - (c) name a place within the locality where a copy of the draft order and of the map referred to therein may be inspected, and
  - (d) specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the draft order can be made.

#### *Notices to owners, lessees and occupiers*

- 3 (1) The Minister shall serve on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form—
  - (a) stating the effect of the draft order,
  - (b) stating that it is about to be made, and
  - (c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the draft order can be made.
- (2) For the purposes of this paragraph an occupier being a statutory tenant within the meaning of the <sup>M1</sup>Rent Act 1977 or the <sup>M2</sup>Rent (Agriculture) Act 1976 <sup>F1</sup> or a licensee

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under an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988] shall be deemed to be a tenant for a period less than a month.

- (3) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

In this sub-paragraph “ecclesiastical property” means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [<sup>F2</sup>or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976].

#### Textual Amendments

- F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 32(2)**  
**F2** Words in Sch. 1, para. 3(3) added (24.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, **Sch. 15, para.27**; S.I. 1991/2067, **art. 3**.

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

- C1** Sch. 1 para. 3(1) modified by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), s. 50(3)

#### Marginal Citations

- M1** 1977 c. 42.  
**M2** 1976 c. 80.

#### *Making of order*

- 4 (1) If no objection is duly made by any such owner, lessee or occupier as is mentioned in paragraph 3 above, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order with or without modifications.
- (2) If any objection made as aforesaid is not withdrawn, then, before the Minister makes the order—
- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly,
  - (b) in any other case, the Minister,
- shall either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by them or him for the purpose.
- (3) After the objection and the report of the person who held the inquiry or the person appointed as aforesaid have been considered—
- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, by the Minister and the planning Minister acting jointly,
  - (b) in any other case, by the Minister,
- the Minister may make the order either with or without modifications.

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- (4) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister and the planning Minister acting jointly or, as the case may be, the Minister shall afford to any persons to whom it appears to them or him expedient to afford it an opportunity of being heard on the same occasion.
- (5) Notwithstanding anything in sub-paragraphs (2) and (4) above, the Minister and the planning Minister acting jointly or, as the case may be, the Minister may require any person who has made an objection to state in writing the grounds thereof, and may, if satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is assessed, disregard the objection for the purposes of this paragraph.
- (6) In this paragraph “highway land acquisition powers” has the meaning given by section 250(1) of the <sup>M3</sup>Highways Act 1980 and “the planning Minister” means the Secretary of State for the time being having general responsibility in planning matters in relation to England or Wales, as the case may be.

**Marginal Citations**

**M3** 1980 c. 66.

*Land not included in draft order*

- 5 The order, as made by the Minister, shall not, unless all persons interested consent, authorise the Minister to purchase compulsorily any land which the draft order would not have authorised the Minister to purchase compulsorily if it had been made without modification.

*Notices after making of order*

- 6 As soon as may be after the order has been made the Minister shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form—
  - (a) describing the land,
  - (b) stating that the order has been made, and
  - (c) naming a place where a copy of the order as made and of the map referred to therein may be inspected at all reasonable hours,and shall serve a like notice, and a copy of the order as made, on any persons on whom notices with respect to the land were required to be served under paragraph 3 above.

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