



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VI **E+W**

#### RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

### CHAPTER I **E+W**

#### INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

##### *Duties of authorities on service of purchase notice*

#### **139 Action by council on whom purchase notice is served. **E+W****

- (1) The council on whom a purchase notice is served shall serve on the owner by whom the purchase notice was served a notice (a “response notice”) stating either—
  - (a) that the council are willing to comply with the purchase notice; or
  - (b) that another local authority or statutory undertakers specified in the response notice have agreed to comply with it in their place; or
  - (c) that for reasons so specified the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have sent the Secretary of State a copy of the purchase notice and of the response notice.
- (2) A response notice must be served before the end of the period of three months beginning with the date of service of the purchase notice.
- (3) Where the council on whom a purchase notice is served by an owner have served a response notice on him in accordance with subsection (1)(a) or (b), the council or, as the case may be, the other local authority or statutory undertakers specified in the response notice shall be deemed—
  - (a) to be authorised to acquire the interest of the owner compulsorily in accordance with the relevant provisions, and

**Status:** Point in time view as at 25/04/2024.

**Changes to legislation:** Town and Country Planning Act 1990, Section 139 is up to date with all changes known to be in force on or before 07 August 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)

- (b) to have served a notice to treat in respect of it on the date of service of the response notice.
- (4) Where the council propose to serve such a response notice as is mentioned in subsection (1)(c), they must first send the Secretary of State a copy—
- (a) of the proposed response notice, and
- (b) of the purchase notice.
- (5) A notice to treat which is deemed to have been served by virtue of subsection (3)(b) may not be withdrawn under section 31 of the <sup>M1</sup>Land Compensation Act 1961.

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

- C1** S. 139: power to apply (with modifications) conferred by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 149(3), **Sch. 29 Pt. II para. 1** as substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(13)**
- C2** S. 139 applied (with modifications) (7.6.2004) by The Milton Keynes (Urban Area and Planning Functions) Order 2004 (S.I. 2004/932), art. 5, **Sch. para.1** (with arts. 6, 7)  
 S. 139 applied (with modifications) (12.10.2005) by The Thurrock Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2572), **art. 5** (with arts. 6, 7)  
 S. 139 applied (with modifications) (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), **art. 6**  
 S. 139 applied (with modifications) (6.4.2006) by The West Northamptonshire Development Corporation (Planning Functions) Order 2006 (S.I. 2006/616), **art. 6**  
 S. 139 applied (with modifications) (7.9.2006) by The Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2185), **art. 6**
- C3** S. 139 applied (with modifications) (1.10.2012) by The London Legacy Development Corporation (Planning Functions) Order 2012 (S.I. 2012/2167), arts. 1, 7 (with Sch. 1, Sch. 2)
- C4** S. 139 applied (with modifications) (1.4.2015) by The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (S.I. 2015/442), arts. 1, 7 (with Sch.)
- C5** S. 139 applied (with modifications) (1.7.2015) by The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (S.I. 2015/748), arts. 1, **5** (with Sch.)
- C6** S. 139 applied (with modifications) (1.6.2023) by The Middlesbrough Development Corporation (Functions) Order 2023 (S.I. 2023/447), arts. 1(3), **6** (with art. 5, Sch. 1)
- C7** S. 139 applied (with modifications) (1.6.2023) by The Hartlepool Development Corporation (Functions) Order 2023 (S.I. 2023/446), arts. 1(3), **6** (with art. 5, Sch. 1)

#### **Marginal Citations**

- M1** 1961 c. 33.

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