



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 9

#### COMPULSORY PURCHASE

##### *Procedure*

#### **181 Online publicity**

- (1) The Acquisition of Land Act 1981 is amended as follows.
- (2) In section 7(1) (definitions), after the definition of “acquiring authority” insert—

““appropriate website”, in relation to a notice about a proposed compulsory purchase, means a website which members of the public could reasonably be expected to find on searching on the internet for information about the scheme or project that underlies the proposed purchase.”.
- (3) In section 11 (requirement to publish notice of compulsory purchase order in newspaper)—
  - (a) for the heading substitute “Public notices”;
  - (b) in subsection (1)—
    - (i) the words from “in two” to “situated” become paragraph (a);
    - (ii) at the end insert “; and
    - (b) for a period of at least 21 days ending with the day specified under subsection (2)(d), publish a notice in the prescribed form on an appropriate website.”;
  - (c) in subsection (2)—
    - (i) in the words before paragraph (a), for “notice” substitute “notices”;
    - (ii) omit the “and” at the end of paragraph (c);
    - (iii) after paragraph (c) insert—

“(ca) specify a website on which those copies may be viewed, and”;

- (iv) for paragraph (d) substitute—
    - “(d) specify the final day for making objections to the order, and the manner in which objections can be made.”;
  - (d) after subsection (2) insert—
    - “(2A) If the confirming authority is satisfied that, because of special circumstances, it is impracticable for the acquiring authority to make the copies referred to in subsection (2)(c) available for inspection at an appropriate place, the confirming authority may direct that the requirement in subsection (2)(c) (together with that in section 12(1)(ba)) is not to apply.”;
  - (e) in subsection (4)(b), omit the words from “(but” to “affixed”).
- (4) In section 12(1) (requirement to serve notice on certain affected persons)—
- (a) omit the “and” at the end of paragraph (b);
  - (b) after paragraph (b) insert—
    - “(ba) (subject to section 11(2A)) naming a place within the locality where a copy of the order and of the map referred to in it may be inspected,
    - (bb) specifying a website on which those copies may be viewed, and”;
  - (c) for paragraph (c) substitute—
    - “(c) specifying the final day for making objections to the order, and the manner in which objections can be made.”
- (5) After section 12 insert—

**“12A Final day for making objections**

- (1) For the purposes of sections 11 and 12, the day specified as the final day for making objections must be the last day, or a day after the last day, of the period of 21 days beginning with the first day at the beginning of which the acquiring authority expects that all of the following conditions will be satisfied.
  - (2) The conditions are that—
    - (a) a notice has been published for the first time as required by section 11(1)(a),
    - (b) publication as required by section 11(1)(b) has begun,
    - (c) a notice has been affixed as required by section 11(3), and
    - (d) a notice has been served on every qualifying person as required by section 12(1).”
- (6) In section 15 (notices after confirmation of compulsory purchase order)—
- (a) in subsection (3)—
    - (i) the words from “in one” to “situated” become paragraph (a);
    - (ii) at the end of that paragraph insert “, and
    - (b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the authority takes the final step needed to comply with subsection (1)(a).”;

- (b) in subsection (3A), for “(3)” substitute “(3)(a)”;
  - (c) in subsection (3B)—
    - (i) for “(3)” substitute “(3)(a)”;
    - (ii) after “(3A),” insert “or with subsection (3)(b),”;
  - (d) in subsection (4), after paragraph (c) insert—
    - “(ca) specifying a website on which those copies may be viewed;”;
  - (e) after subsection (4) insert—
    - “(4A) If the confirming authority is satisfied that, because of special circumstances, it is impracticable for the acquiring authority to make the copies referred to in subsection (4)(c) available for inspection at an appropriate place, the confirming authority may direct that the requirement in subsection (4)(c) is not to apply.”
- (7) In section 22 (requirement to publish notice of certificate under Part 3 of the Act)—
- (a) the words from “in one” to “situated” become paragraph (a);
  - (b) at the end of that paragraph insert “, and
    - (b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the certificate is given,”.
- (8) In paragraph 9 of Schedule 3 (requirement to publish notice of certificate under that Schedule)—
- (a) the words from “in one” to “situated” become paragraph (a);
  - (b) at the end of that paragraph insert “, and
    - (b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the certificate is given,”.

## **182 Confirmation proceedings**

- (1) The Acquisition of Land Act 1981 is amended as follows.
- (2) In section 13A (confirmation proceedings for contested orders), for subsections (2) to (6) substitute—
- “(1A) The confirming authority must cause a public local inquiry to be held if—
- (a) the order is subject to special parliamentary procedure, or
  - (b) in the case of an order to which section 16 applies, a certificate has been given under subsection (2) of that section.
- (1B) If subsection (1A) does not apply, the confirming authority must either—
- (a) cause a public local inquiry to be held, or
  - (b) follow the representations procedure.
- (1C) In deciding between those options, the confirming authority must have regard to the scale and complexity of what is proposed by the order.
- (1D) The representations procedure is a procedure to be prescribed.
- (1E) The regulations prescribing the procedure must include—
- (a) provision enabling each person who has made a remaining objection to make representations—

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- (i) in writing to the confirming authority, or
    - (ii) if the person so requests, at a hearing, and
  - (b) provision enabling the acquiring authority, and any other person the confirming authority thinks appropriate, to make representations—
    - (i) in writing to the confirming authority, or
    - (ii) if applicable, at a hearing held as mentioned in paragraph (a)(ii).
- (1F) The regulations may provide for hearings to be held by the confirming authority or by a person appointed by the confirming authority.
- (1G) In subsection (1E), “representations” means representations as to whether the order should be confirmed.
- (1H) Before confirming the order, the confirming authority must consider—
  - (a) each remaining objection;
  - (b) if a public local inquiry was held, the report of the person who held it;
  - (c) if the representations procedure was followed and the confirming authority held a hearing, the representations made at the hearing;
  - (d) if the representations procedure was followed and a person appointed by the confirming authority held a hearing, the report of that person;
  - (e) if the representations procedure was followed and written representations were made, those representations.
- (1I) The confirming authority may confirm the order with or without modifications.”
- (3) In section 13B (supplementary provision about written representations procedure)—
  - (a) in the heading, omit “Written”;
  - (b) in each of the following provisions, omit “written”—
    - (i) subsection (1);
    - (ii) subsection (2);
    - (iii) subsection (4);
    - (iv) subsection (6);
    - (v) subsection (7);
  - (c) in subsection (7), for “13A(6)” substitute “13A(1D)”.
- (4) In section 13C (confirmation of compulsory purchase order in stages), in subsection (3), for “13A(2) or (3)” substitute “13A(1A) or (1B)”.
- (5) In section 14D(3) (functions of inspector appointed by confirming authority), in paragraph (c), for the words from “13A(3)(a)” to the end substitute “13A”.

### **183 Conditional confirmation**

- (1) The Acquisition of Land Act 1981 is amended as set out in subsections (2) and (3).
- (2) After section 13B insert—

### **“13BA Conditional confirmation**

- (1) The confirming authority may confirm a compulsory purchase order conditionally.
  - (2) The effect of conditional confirmation is that the order—
    - (a) does not become operative until the confirming authority has decided, on an application by the acquiring authority, that certain conditions have been met, and
    - (b) expires if the confirming authority—
      - (i) has not received an application for the purposes of subsection (2)(a) by a certain time, or
      - (ii) having received such an application by that time, decides that the conditions have not been met.
  - (3) The conditions and the time are to be specified by the confirming authority when it confirms the order.
  - (4) The procedure to be followed in relation to an application under this section is to be prescribed.
  - (5) The regulations prescribing the procedure must include provision for each relevant objector—
    - (a) to be given notice of the application (or for steps to be taken with a view to notifying them), and
    - (b) to have the opportunity to make written representations in response to the application.
  - (6) In subsection (5), “relevant objector” means a person who made an objection to the order that—
    - (a) was a remaining objection for the purposes of section 13A, and
    - (b) had not been withdrawn by the time the order was confirmed.
  - (7) The regulations may include provision as to the giving of reasons for the decision on the application.
  - (8) Subsections (2) to (6) of section 13B apply to proceedings on an application under this section as they apply to the representations procedure.”
- (3) In section 15 (notices after confirmation of compulsory purchase order)—
- (a) in subsection (2)(b), for “date when the order becomes operative” substitute “day on which the authority takes the final step needed to comply with subsection (1)(a)”;
  - (b) in subsection (3), at the beginning insert “Unless the order was confirmed conditionally,”;
  - (c) in subsection (4), after paragraph (b) insert—
    - “(ba) if the order was confirmed conditionally, stating the conditions and time specified under section 13BA(3);”;
  - (d) after subsection (4A) (inserted by section 181(6)) insert—

- “(4B) If the order was confirmed conditionally and the confirming authority decides under section 13BA that the conditions have been met, the acquiring authority must serve—
- (a) a copy of the order, and
  - (b) a fulfilment notice,
- on each person on whom a notice was required to be served under section 12.
- (4C) Where subsection (4B) applies, the acquiring authority must also—
- (a) affix a fulfilment notice to a conspicuous object or objects on or near the land comprised in the order, and
  - (b) publish a fulfilment notice—
    - (i) in one or more local newspapers circulating in the locality in which the land comprised in the order is situated, and
    - (ii) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the acquiring authority takes the final step needed to comply with subsection (4B).
- (4D) The acquiring authority must comply with subsections (4B) and (4C)(a) and (b)(i) before the end of—
- (a) the period of 6 weeks beginning with the day on which the decision under section 13BA is made, or
  - (b) such longer period beginning with that day as may be agreed in writing between the acquiring authority and the confirming authority.
- (4E) If the acquiring authority fails to comply with those provisions before the end of that period, or fails to comply with subsection (4C)(b)(ii), the confirming authority may—
- (a) take any steps that the acquiring authority was required but has failed to take to comply, and
  - (b) recover the reasonable costs of doing so from the acquiring authority
- (4F) A fulfilment notice is a notice—
- (a) stating that the conditions subject to which the order was confirmed have been met and that the order will therefore become operative, and
  - (b) annexing the information that was contained in the confirmation notice.”;
- (e) in subsection (5), after “notice” insert “or fulfilment notice”;
  - (f) in subsection (6)—
    - (i) after “notice” insert “, and any fulfilment notice,”;
    - (ii) for “it” substitute “each such notice”.
- (4) Schedule 18 contains, and makes provision in connection with, amendments in consequence of this section and paragraph 3 of Schedule 19.

## 184 Corresponding provision for purchases by Ministers

[Schedule 19](#) makes provision in relation to compulsory purchases by Ministers corresponding to the preceding provisions of this Part.

## 185 Time limits for implementation

(1) In the Acquisition of Land Act 1981—

(a) after section 13C insert—

### “13D Power to extend time limit for implementation

(1) The confirming authority may, when it confirms a compulsory purchase order, include provision in the order specifying a period longer than three years for the purposes of section 4 of the Compulsory Purchase Act 1965 (time limit for notice to treat) and section 5A of the Compulsory Purchase (Vesting Declarations) Act 1981 (time limit for general vesting declaration).

(2) No such provision is to be included by the acquiring authority in the order submitted for confirmation.”;

(b) in paragraph 1 of Schedule 1 (preliminary provision about compulsory purchase by Ministers), after sub-paragraph (3) insert—

“(3A) The order may, in particular, include provision specifying a period longer than three years for the purposes of section 4 of the Compulsory Purchase Act 1965 (time limit for notice to treat) and section 5A of the Compulsory Purchase (Vesting Declarations) Act 1981 (time limit for general vesting declaration).”

(2) In the Compulsory Purchase Act 1965—

(a) in section 4 (time limit for notice to treat)—

(i) the existing text becomes subsection (1);

(ii) in that subsection, for “period of 3 years” substitute “applicable period”;

(iii) after that subsection insert—

“(2) The applicable period is—

(a) 3 years, or

(b) such longer period as is specified in the order for the purposes of this section.”;

(b) in section 4A (extension of time limit during challenge), in subsection (1), for “three year period mentioned in” substitute “applicable period for the purposes of”.

(3) In the Compulsory Purchase (Vesting Declarations) Act 1981—

(a) in section 5A (time limit for general vesting declaration)—

(i) the existing text becomes subsection (1);

(ii) in that subsection, for “period of 3 years” substitute “applicable period”;

(iii) after that subsection insert—

“(2) The applicable period is—

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- (a) 3 years, or
  - (b) such longer period as is specified in the order for the purposes of this section.”;
- (b) in section 5B (extension of time limit during challenge), in subsection (1), for “three year period mentioned in” substitute “applicable period for the purposes of”.
- (4) In section 582 of the Housing Act 1985 (suspension of recovery of possession of certain premises when compulsory purchase order made)—
  - (a) in subsection (2)(a), for “third anniversary of” substitute “final day of the period of three years beginning with”;
  - (b) after subsection (6) insert—
 

“(6A) If the compulsory purchase order specifies a period longer than three years under section 13D of the Acquisition of Land Act 1981, the references in this section to the period of three years are to be read as references to the period specified in the order.”

## **186 Agreement to vary vesting date**

- (1) The Compulsory Purchase (Vesting Declarations) Act 1981 is amended as set out in subsections (2) to (6).
- (2) In section 7 (constructive notice to treat), in subsection (1), at the beginning insert “Subject to section 8A,”.
- (3) In section 8 (vesting, entry and possession), in subsection (1), for “section” substitute “sections 8A and”.
- (4) After section 8 insert—

### **“8A Postponement of vesting by agreement**

- (1) The acquiring authority may agree in writing with the owner of any interest which is to vest in the authority under section 8 that the interest is to vest on a date after the vesting date.
- (2) If such an agreement is in force on the vesting date, sections 7 and 8 operate in relation to the interest as if the vesting date were—
  - (a) the agreed date, or
  - (b) any date subsequently agreed under subsection (1).
- (3) If an interest subject to an agreement under this section entitles the owner to possession of the land concerned, the right to enter upon and take possession of the land given by section 8 does not arise until the interest vests in accordance with this section.”
- (5) In section 10 (compensation), after subsection (1) insert—
 

“(1A) But if an agreement under section 8A is in force in relation to an interest in the land when the land becomes vested apart from that interest, subsection (1) does not give rise to any liability in relation to the interest until it becomes vested.”
- (6) In paragraph 5 of Schedule A1 (definitions for the purposes of the Schedule)—



- (a) the existing text become sub-paragraph (1);
- (b) in that sub-paragraph, in the definition of “original vesting date”, after “is” insert “, subject to sub-paragraph (2),”;
- (c) after that sub-paragraph insert—

“(2) If an agreement under section 8A is in force in respect of the interest which gives the owner the ability to sell the land proposed to be acquired, the “original vesting date” is the date on which the interest is to vest as a result of the agreement.”

- (7) In section 5A of the Land Compensation Act 1961 (valuation date)—

- (a) in subsection (4), after “date is” insert “, subject to subsection (4A),”;
- (b) after subsection (4) insert—

“(4A) If an interest in land vests in accordance with an agreement under section 8A of that Act (postponement of vesting), the relevant valuation date in respect of that interest is the earlier of—

- (a) the date on which it vests, and
- (b) the date when the assessment is made.”;
- (c) in subsection (5B)(b), after “is” insert “, as a result of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (counter-notices in respect of divided land),”.

## **187 Common standards for compulsory purchase data**

- (1) The Secretary of State may, by regulations, make provision requiring an acquiring authority, in preparing, holding or providing such of its relevant compulsory purchase data as is specified or described in the regulations, to comply with any approved data standards which are applicable.
- (2) “Acquiring authority” means any person who is, or may be, authorised under an enactment to acquire land compulsorily.
- (3) “Approved data standards”, in relation to relevant compulsory purchase data, are such written standards, containing technical specifications or other requirements in relation to the data, or in relation to preparing, holding or providing the data, as may be published by the Secretary of State from time to time.
- (4) “Relevant compulsory purchase data” means information that is, or is to be, contained in relevant compulsory purchase documentation.
- (5) “Relevant compulsory purchase documentation” means an order or notice or any other documentation that is, or is to be, prepared by an acquiring authority (acting as such) under or for the purposes of relevant compulsory purchase legislation.
- (6) “Relevant compulsory purchase legislation” means provision made by or under—
  - (a) the Land Compensation Act 1961,
  - (b) the Compulsory Purchase Act 1965,
  - (c) the Land Compensation Act 1973,
  - (d) sections 10 to 16 of, and Schedules 4 and 5 to, the New Towns Act 1981,
  - (e) the Compulsory Purchase (Vesting Declarations) Act 1981,
  - (f) the Acquisition of Land Act 1981,
  - (g) section 9 of the Tribunals and Inquiries Act 1992,

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- (h) Part 7 of the Housing and Planning Act 2016, or
  - (i) Chapter 1 of Part 2 of the Neighbourhood Planning Act 2017.
- (7) “Providing”, in subsection (1), includes submitting, issuing, serving, notifying and publishing.