

SCHEDULES

SCHEDULE 19

Section 184

COMPULSORY PURCHASE: CORRESPONDING PROVISION FOR PURCHASES BY MINISTERS

Online publicity

- 1 (1) Schedule 1 to the Acquisition of Land Act 1981 (compulsory purchase by Minister) is amended as follows.
 - (2) For the italic heading before paragraph 2 substitute “*Public notices*”.
 - (3) In paragraph 2 (requirement to publish notice of order in newspaper)—
 - (a) in sub-paragraph (1)—
 - (i) the words from “in two” to “situated” become paragraph (a);
 - (ii) at the end of that paragraph insert “, and
 - (b) for a period of at least 21 days ending with the day specified under sub-paragraph (2)(d), publish a notice in the prescribed form on an appropriate website.”;
 - (b) in sub-paragraph (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 draft order, and the manner in which objections can be made.”;
 - (c) after sub-paragraph (2) insert—
 - “(2A) If the appropriate authority (see paragraph 4(8)) is satisfied that, because of special circumstances, it is impracticable for the Minister to make the copies referred to in sub-paragraph (2)(c) available for inspection at an appropriate place, the appropriate authority may direct that the requirement in sub-paragraph (2)(c) (together with that in paragraph 3(1)(ba)) is not to apply.”;
 - (d) in sub-paragraph (4)(b), omit the words from “(but” to “affixed”.
 - (4) In paragraph 3(1) (requirement to serve notice on certain affected persons)—
 - (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (b) insert—

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- “(ba) (subject to paragraph 2(2A)) naming a place within the locality where a copy of the draft 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 draft order, and the manner in which objections can be made.”

(5) After paragraph 3 insert—

“Final day for making objections

- 3A (1) For the purposes of paragraphs 2 and 3, 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 Minister 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 paragraph 2(1)(a),
 - (b) publication as required by paragraph 2(1)(b) has begun,
 - (c) a notice has been affixed as required by paragraph 2(3), and
 - (d) a notice has been served on every qualifying person as required by paragraph 3(1).”
- (6) In paragraph 6 (notices after making of order)—
- (a) in sub-paragraph (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 Minister takes the final step needed to comply with sub-paragraph (1)(a).”;
 - (b) in sub-paragraph (4), after paragraph (c) insert—
 - “(ca) specifying a website on which those copies may be viewed.”;
 - (c) after sub-paragraph (4) insert—
 - “(4A) If the appropriate authority is satisfied that, because of special circumstances, it is impracticable for the Minister to make the copies referred to in sub-paragraph (4)(c) available for inspection at an appropriate place, the appropriate authority may direct that the requirement in sub-paragraph (4)(c) is not to apply.”

Proceedings for consideration of draft order

- 2 (1) Schedule 1 to the Acquisition of Land Act 1981 (compulsory purchase by Minister) is amended as follows.

(2) In paragraph 4A (proceedings for contested orders), for sub-paragraphs (2) to (8) substitute—

“(1A) The appropriate 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 sub-paragraph (1A) does not apply, the appropriate authority must either—

- (a) cause a public local inquiry to be held, or
- (b) proceed under the representations procedure.

(1C) In deciding between those options, the appropriate authority must have regard to the scale and complexity of what is proposed by the draft order.

(1D) The representations procedure is a procedure to be prescribed.

(1E) The regulations prescribing the procedure must include provision—

- (a) enabling each person who has made a remaining objection to make representations—
 - (i) in writing to the appropriate authority, or
 - (ii) if the person so requests, at a hearing, and
- (b) enabling the Minister, and any other person the appropriate authority thinks appropriate, to make representations—
 - (i) in writing to the appropriate 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 appropriate authority or by a person appointed by the appropriate authority.

(1G) In sub-paragraph (1E), “representations” means representations as to whether the order should be made.

(1H) Before the Minister makes the order, the appropriate 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 appropriate authority held a hearing, the representations made at the hearing;
- (d) if the representations procedure was followed and a person appointed by the appropriate 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 Minister may make the order with or without modifications.

(1J) Regulations under sub-paragraph (1D) may include provision as to the giving of reasons for decisions taken by the appropriate authority in cases where the representations procedure is followed.”

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- (3) In paragraph 4B (confirmation of order in stages), in sub-paragraph (3), for “4A(2) or (3)” substitute “4A(1A) or (1B)”.

Conditional orders

- 3 (1) Schedule 1 to the Acquisition of Land Act 1981 (compulsory purchase by Minister) is amended as follows.

- (2) After paragraph 4A insert—

“4AA (1) The Minister may make a compulsory purchase order conditionally.

- (2) The effect of making an order conditionally is that the order—

- (a) does not become operative until the Minister has decided, following consideration by the appropriate authority (see paragraph 4(8)), that certain conditions have been met, and
 (b) expires if the Minister has not decided that by a certain time.

- (3) The conditions and the time are to be specified by the Minister when making the order.

- (4) The procedure to be followed in connection with the consideration and decision referred to in sub-paragraph (2)(a) is to be prescribed.

- (5) The prescribed procedure must include provision for each relevant objector—

- (a) to be given notice that the appropriate authority is to consider whether the conditions have been met (or for steps to be taken with a view to notifying them), and
 (b) to have the opportunity to make written representations relating to that consideration;

and may include provision as to the giving of reasons for the decision by the Minister.

- (6) In sub-paragraph (5), “relevant objector” means a person who made an objection to the draft order that—

- (a) was a remaining objection for the purposes of paragraph 4A, and
 (b) had not been withdrawn by the time the order was made.”

- (3) In paragraph 6 (notices after making of order)—

- (a) in sub-paragraph (2)(b), for “date when the order becomes operative” substitute “day on which the Minister takes the final step needed to comply with sub-paragraph (1)(a)”;

- (b) in sub-paragraph (3), at the beginning insert “Unless the order was made conditionally,”;

- (c) in sub-paragraph (4), after paragraph (b) insert—

“(ba) if the order was made conditionally, stating the conditions and time specified under paragraph 4AA(3);”;

- (d) after sub-paragraph (4A) (inserted by paragraph 1(6)) insert—

“(4B) If the order was made conditionally and the Minister decides under paragraph 4AA that the conditions have been met, the Minister must serve—

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- (a) a copy of the order, and
- (b) a fulfilment notice,

on each person on whom a notice was required to be served under paragraph 3.

(4C) Where sub-paragraph (4B) applies, the Minister 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 Minister takes the final step needed to comply with sub-paragraph (4B).

(4D) A fulfilment notice is a notice—

- (a) stating that the conditions subject to which the order was made have been met and that the order will therefore become operative, and
 - (b) annexing the information that was contained in the making notice.”;
- (e) in sub-paragraph (5), after “notice” insert “or fulfilment notice”;
- (f) in sub-paragraph (6)—
- (i) after “notice” insert “, and any fulfilment notice.”;
 - (ii) for “it” substitute “each such notice”.