
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 2

Conservation of Natural Habitats and Habitats of Species

Powers of compulsory acquisition

Powers of compulsory acquisition

36.—(1) The appropriate nature conservation body may acquire compulsorily any interest in land in a European site where it is satisfied that either of the conditions in paragraph (2) is met.

(2) The conditions are—

- (a) that, as respects that interest, it is unable to conclude a management agreement on terms appearing to it to be reasonable; or
- (b) where it has entered into a management agreement as respects such an interest, that a breach of the agreement has occurred which prevents or impairs the satisfactory management of the European site.

(3) Such a breach as is mentioned in paragraph (2)(b) is not to be treated as having occurred by virtue of any act or omission capable of remedy unless there has been default in remedying it within a reasonable time after notice given by the appropriate nature conservation body requiring that act or omission to be remedied.

(4) Any dispute arising as to whether there has been such a breach of a management agreement is to be determined by an arbitrator appointed by the Lord Chancellor.

(5) The power of compulsory acquisition conferred by paragraph (1) on the appropriate nature conservation body may be exercised in any particular case only after authorisation by the appropriate authority.

(6) The Acquisition of Land Act 1981(1) and the Compulsory Purchase Act 1965(2) apply in relation to the acquisition of any interest in land under paragraph (1).

(7) In this regulation, an “interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

(1) 1981 c. 67.

(2) 1965 c. 56.