



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART I

#### GENERAL

#### *Land*

### 13 Compulsory acquisition by local authorities of rights over land.

- (1) A local authority which may be authorised by a Minister of the Crown, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by that Minister, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order; and in this subsection “new rights” means rights which are not in existence when the order specifying them is made.
- (2) <sup>F1</sup> . . . the <sup>M1</sup>Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights by virtue of the preceding subsection as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (3) Without prejudice to the generality of the preceding subsection, in relation to the purchase of rights in pursuance of subsection (1) of this section—
  - <sup>F2</sup>(a) . . . . .
  - (b) Part I of the said Act of 1965 <sup>F3</sup> . . . shall have effect with the modifications specified in Part II of Schedule 1 to this Act; and
  - (c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

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(4) Nothing in the preceding provisions of this section shall authorise the purchase of any rights by an authority for a purpose for which there is power by virtue of [<sup>F4</sup>section 250 of the Highways Act 1980](which relates to the compulsory acquisition of rights by highway authorities) to authorise the authority to acquire the rights.

[<sup>F5</sup>(5) In this section “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981, and Schedule 3 to that Act shall apply to the compulsory purchase of rights by virtue of subsection (1) above.]

#### Textual Amendments

- F1** Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**  
**F2** S. 13(3)(a) repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**  
**F3** Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**  
**F4** Words substituted by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 27(a)**  
**F5** S. 13(5) substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), **Sch. 4 para. 26**

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

- C1** S. 13 applied by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 244(4)**  
**C2** Power to apply s. 13 conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (c)(i); S.I. 1997/1930, art. 2(2)(m)**  
**C3** S. 13 extended (19.9. 1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(2)(a)(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

#### Marginal Citations

- M1** 1965 c. 56.

## 14 Injurious affection connected with certain land held by local authorities and acquired by agreement before 1st April 1974.

(1) Where an interest in land is held by a local authority for a purpose for which the authority can by virtue of an enactment be authorised to acquire land compulsorily and—

- (a) the interest was acquired by agreement by the authority or another body before 1st April 1974 and, where it was acquired by another body, has not since the acquisition been transferred otherwise than by an Act or an order made under an Act; and
- (b) provisions of the Lands Clauses Acts or the <sup>M2</sup>Compulsory Purchase Act 1965 apply to the acquisition but those provisions do not include section 68 of the <sup>M3</sup>Lands Clauses Consolidation Act 1845 (under which there is among other things a right to compensation in respect of land injuriously affected by certain works) or section 10 of the said Act of 1965 (which re-enacts the said section 68),

the authority may by resolution provide that, on and after the date when the resolution comes into force, the said section 68 or as the case may be the said section 10 shall be included among the provisions aforesaid which apply to the acquisition.

(2) Where an authority passes a resolution in pursuance of the preceding subsection in connection with any land in which the authority holds an interest, it shall be the duty of the authority—

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- (a) to send to the appropriate Minister a copy of the resolution and a map indicating the land;
  - (b) to publish in two successive weeks, in one or more local newspapers circulating in the area in which the land is situated, a copy of the resolution and a notice stating—
    - (i) a place in the area of the council where a map indicating the land may be inspected by members of the public free of charge between 10 a.m. and 4 p.m. on each weekday, except Saturdays and bank holidays, during a period specified in the notice (which shall not be less than 21 days beginning with the date of first publication of the notice in pursuance of this paragraph), and
    - (ii) that any person having an interest in land which could be injuriously affected by virtue of the resolution if it came into force may object to the resolution in accordance with the following subsection, and
    - (iii) the designation and address of the appropriate Minister;
  - (c) not later than the date aforesaid, to serve a copy of the resolution and of the said notice, by post by the recorded delivery service, on each person who, after reasonable inquiry, appears to the authority to be such a person as is mentioned in paragraph (b)(ii) of this subsection; and
  - (d) not later than that date, to affix a copy of the resolution and the said notice in a prominent position on the land.
- (3) Any such person as is mentioned in paragraph (b)(ii) of the preceding subsection may object to the resolution in question by serving on the appropriate Minister, within the period mentioned in paragraph (b)(i) of that subsection, a notice setting out the grounds of his objection.
- (4) A resolution passed in pursuance of subsection (1) of this section shall not come into force unless the appropriate Minister makes an order providing that it shall come into force and, where he makes such an order, shall come into force on the date specified in the order; and the appropriate Minister—
- (a) shall not make such an order in respect of a resolution before the expiration of the period specified in pursuance of paragraph (b)(i) of subsection (2) of this section in the notice published in pursuance of that subsection in connection with the resolution; and
  - (b) may hold an inquiry for the purpose of deciding whether to make such an order in respect of a resolution.
- (5) Where an order is made in pursuance of this section in respect of a resolution passed by an authority, it shall be the duty of the authority—
- (a) to publish in two successive weeks, in one or more local newspapers circulating in the area in which the land to which the resolution relates is situated, a notice stating that the order has been made, the date specified in the order as that on which the resolution comes into force and the effect of the following subsection; and
  - (b) to serve a copy of the notice, by post by the recorded delivery service, on each person on whom notice in respect of the resolution was served in pursuance of subsection (2)(c) of this section.
- (6) No question as to the validity of a resolution purporting to be passed in pursuance of subsection (1) of this section or of an order purporting to be made in pursuance of this section in respect of such a resolution shall be entertained in any proceedings begun

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after the expiration of the period of three months beginning with the date when notice relating to the resolution was first published in pursuance of the preceding subsection; and, except as otherwise determined in proceedings begun before the expiration of that period, such a resolution shall be deemed to be duly passed and such an order shall be deemed to be duly made.

- (7) In this section “the appropriate Minister” means, in relation to a resolution passed by an authority in connection with any land in which an interest is held by the authority, the Minister of the Crown having power to authorise the authority to acquire land compulsorily for the purposes for which the interest is held by the authority; and section 250 of the <sup>M4</sup>Local Government Act 1972 (which relates to local inquiries) shall have effect in relation to an inquiry in pursuance of subsection (4)(b) of this section as if for the reference to the Secretary of State in subsection (1) of that section there were substituted a reference to the appropriate Minister.

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

**C4** Power to apply s. 14 conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4** para. (c)(i); S.I. 1997/1930, **art. 2(2)(m)**

**Marginal Citations**

**M2** 1965 c. 56.

**M3** 1845 c. 18.

**M4** 1972 c. 70.

**15 Power of local authorities to survey land which they propose to acquire compulsorily.**

- (1) A person authorised in writing in that behalf by a local authority may at any reasonable time—
- (a) survey any land in connection with a proposal by the authority to acquire compulsorily an interest in the land or a right over the land which is not such an interest; and
  - (b) for the purpose of surveying any land in pursuance of the preceding paragraph, enter on the land and other land.
- (2) The power to survey land conferred by the preceding subsection includes power to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power to place and leave, on or in the land, apparatus for use in connection with the survey in question and power to remove the apparatus; and it is hereby declared that references to surveying in this section include surveying from the air.
- (3) A person authorised by a local authority to enter on land in pursuance of subsection (1) of this section—
- (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
  - (b) may take with him on to the land such other persons and such equipment as are necessary for the survey in question;

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- (c) shall not if the land is occupied demand admission to the land as of right unless notice of the intended entry has been served by the local authority on the occupier not less than fourteen days before the demand;
- (d) shall, if the land is unoccupied when he enters or the occupier is then temporarily absent, leave the land as effectually secured against trespassers as he found it;
- (e) shall not place or leave apparatus on or in the land or remove apparatus from the land—
  - (i) unless notice of his intention to do so has been served by the local authority on an owner of the land, and if the land is occupied on the occupier, not less than fourteen days before he does so, and
  - (ii) if the land is held by relevant undertakers who within that period serve on the local authority a notice stating that they object to the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the carrying on of their undertaking, unless the Secretary of State authorises him in writing to do so;
- (f) shall not search or bore on or in the land which is the subject of the survey in question if the land is held by relevant undertakers—
  - (i) unless notice of his intention to do so has been served by the local authority on the undertakers not less than fourteen days before he does so, and
  - (ii) if within that period the undertakers serve on the local authority a notice stating that they object to the searching or boring on the ground that to do so would be seriously detrimental to the carrying on of their undertaking, unless the Secretary of State authorises him in writing to do so;

and in paragraphs (e) and (f) of this subsection “relevant undertakers” means any statutory undertakers, any person authorised to carry on a light railway undertaking, a ferry undertaking or an undertaking for supplying district heating, . . . <sup>F6</sup>the Civil Aviation Authority and the [<sup>F7</sup>British Coal Corporation].

[<sup>F8</sup>(4) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991—

- (a) section 55 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works,
- (b) section 69 of that Act (requirements to be complied with where works likely to affect another person’s apparatus in the street), and
- (c) section 82 of that Act (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of that Part.]

- (5) If, in connection with such a proposal of a local authority as is mentioned in subsection (1)(a) of this section, a person interested in any land suffers damage in consequence of the exercise of a power conferred by subsection (1) or (3)(b) of this section or a failure to perform the duty imposed by subsection (3)(d) of this section in respect of the land, he shall be entitled to recover compensation for the damage from the local authority.
- (6) Any dispute as to a person’s entitlement to compensation in pursuance of the preceding subsection or as to the amount of the compensation shall be determined by the Lands

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Tribunal, and sections 2(2) to (5) and 4 of the <sup>M5</sup>Land Compensation Act 1961 (which relate to the conduct of certain proceedings before the Tribunal and costs) shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.

(7) If a person—

- (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (3)(b) of this section; or
- (b) while another person is on any land in pursuance of the said subsection (3)(b), wilfully obstructs him in doing things connected with the survey in question; or
- (c) removes or otherwise interferes with apparatus left on or in land in pursuance of this section,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F9</sup>level 3 on the standard scale].

(8) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter on the land, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £400 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(9) A local authority which has power by virtue of [<sup>F10</sup>section 289(1) of the <sup>M6</sup>Highways Act 1980], [<sup>F11</sup>section 324(6) of the <sup>M7</sup>Town and Country Planning Act 1990, section 88(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990] or paragraph 20(1) of Schedule 4 to the <sup>M8</sup>Community Land Act 1975 to authorise a person to survey or enter on any land as mentioned in subsection (1) of this section shall not be entitled by virtue of that subsection to authorise a person to survey or enter on the land.

#### Textual Amendments

- F6** Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F7** Words substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(2), **Sch. 1 para. 31**
- F8** S. 15(4) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59), s. 168(1), **Sch. 8, Pt. IV, para. 106; S.I. 1992/2984, art. 2(2), Sch. 2**
- F9** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**
- F10** Words substituted by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 27(b)**
- F11** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 35(2)**

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

- C5** S. 15(3) extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 2(1)(xxxiii)**
- C6** S. 15(3) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(1)(xxx), Sch. 17 paras. 33, **35(1)**

#### Marginal Citations

- M5** 1961 c. 33.
- M6** 1980 c. 66.
- M7** 1990 c. 8

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**M8** 1975 c. 77.

## 16 Power of local authorities to obtain particulars of persons interested in land.

- (1) Where, with a view to performing a function conferred on a local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely—
- (a) the occupier of the land; and
  - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
  - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

- (2) A person who—
- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
  - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F12</sup>level 5 on the standard scale].

### Textual Amendments

**F12** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

### Modifications etc. (not altering text)

- C7** S. 16 extended by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **s. 33(7)**  
S. 16 extended (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\)](#), **Sch. 8 para. 1(2)(c)(4)** (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))  
S. 16 extended (6.5.2003) by [London Development Agency Act 2003 \(c. i\)](#), **ss. 1, 2**
- C8** S. 16: power to transfer functions conferred by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 3(2)(c)(i), 79**  
S. 16: power to apply conferred (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4 para. (c)(i)**; S.I. 1997/1930, **art. 2(2)(m)**
- C9** S. 16: certain functions transferred (7.8.1991) by S.I. 1991/1773, **art. 8(1)(3)**, **Sch. 2**  
S. 16: certain functions transferred (10.1.1992) by S.I. 1991/2913, **art. 8(1)(3)**, **Sch. 2**
- C10** S. 16 modified (7.8.1991) by S.I. 1991/1773, **art. 8(2)(3)**, **Sch. 2**  
S. 16 modified (10.1.1992) by S.I. 1991/2913, **art. 8(2)(3)**, **Sch. 2**
- C11** S. 16 restricted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), **s. 117(1)**, **Sch. 13 para. 45** (with [s. 118\(1\)\(2\)\(4\)](#))
- C12** S. 16 amended (16.11.2000) by S.I. 2000/2853, **reg. 3(1)**, **Sch. 2 para. 17**

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