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Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XIV **U.K.**

LAND—MISCELLANEOUS

Miscellaneous provisions about land

118 Land miscellaneous amendments. **E+W+S**

Schedule 23 to this Act (which contains miscellaneous amendments about land, including amendments to relax controls) shall have effect.

Modifications etc. (not altering text)

C1 The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F1}119 **E+W**

Textual Amendments

F1 Ss. 119, 149(5), 150 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I

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**120 Compulsory acquisition: exclusion of special parliamentary procedure. E+W
+S**

- (1) The [^{F2}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] shall apply to any compulsory acquisition of an interest in land where—
- (a) the notice of the making or preparation in draft of a compulsory purchase order is first duly published on or after [^{F3}6th April 1976 (or, in the application of this section to Scotland,] 1st September 1976), and
 - (b) the person acquiring the interest is a [^{F2}regional, islands or district council], [^{F3}the Peak Park Joint or Lake District Special Planning Board,] any statutory undertakers or a Minister,
- subject to the modifications made by this section.
- (2) Paragraph 9 of Schedule 1 to [^{F3}the Act of 1946 or, as the case may be] the Scottish Act of 1947 (special parliamentary procedure for acquisitions from local authorities, statutory undertakers and National Trust) shall not apply to the acquisition except where the interest belongs to [^{F3}the National Trust or] the National Trust for Scotland.
- (3) [^{F3}In this section—
- “the Acquisition of Land Acts” means the ^{M1}Acquisition of Land (Authorisation Procedure) Act 1946 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and “the Act of 1946” and “the Scottish Act of 1947” mean those Acts respectively;
- “local authority” means—
- (a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,
 - (b) in relation to Wales, the council of a county or district,
 - (c) in relation to Scotland, a [^{F4}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],
- and this section applies to the Isles of Scilly, as if the Council of those Isles were the council of a county;]
- “statutory undertakers” means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of ^{F5}, ^{F6} hydraulic power or water,
 - (b) . . . ^{F7}, the Civil Aviation Authority, [^{F8}. . .], the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for the purposes of [^{F3}the ^{M2}Town and Country Planning Act 1971 or the ^{M3}Town and Country Planning (Scotland) Act 1972, and]
 - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.
- (4) An order under paragraph (c) of the definition of “statutory undertakers” in subsection (3) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section (which re-enacts section 41 of the ^{M4}Community Land Act 1975 with modifications) shall be taken to have come into force on 12 November 1975 but (in relation to the period before the passing of this Act) shall have effect as if the

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persons mentioned in subsection (1)(b) above included a new town authority (that is, a development corporation as defined [^{F3}in section 2 of the New Towns Act 1965, or] in section 2 of the ^{M5}New Towns (Scotland) Act 1968) and a joint board established under section 2 of the ^{M6}Community Land Act 1975, and as if “local authority” meant (in relation to Scotland) a regional, general or district planning authority within the meaning of Part IX of the ^{M7}Local Government (Scotland) Act 1973.

Textual Amendments

- F2** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(4)**
- F3** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F4** [S. 120\(3\)](#): words in para.(c) in definition of “local authority” substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 120(5)**; S.I. 1996/323, **art. 4(1)(c)**
- F5** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18** (with s. 112(3), [Sch. 17 para. 35\(1\)](#))
- F6** Words repealed by [Gas Act 1986 \(c. 44, SIF 44\)](#), s. 67(4), **Sch. 9 Pt. I**
- F7** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**
- F8** [S. 120\(3\)](#): words in para.(b) in definition of “statutory undertakers” repealed (31.10.1994) by [1994 c. 21, s. 67, Sch. 9 para. 25\(1\)](#), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

Modifications etc. (not altering text)

- C2** [S. 120](#) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1), **Sch. 16 para. 2(2)(e)(9)** (with s. 112(3), [Sch. 17 paras. 33, 35\(1\)](#))
- C3** [S. 120](#) extended (1.3.1996) by [1995 c. 45, s. 16\(1\)](#), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**
- C4** [S. 120\(1\)\(b\)](#) extended (1.4.1996) by [1994 c. 39, s. 99\(2\)](#); S.I. 1996/323, **art. 4(1)(a)**, **Sch. 1**

Marginal Citations

- M1** [1946 c. 49 \(28:1\)](#).
- M2** [1971 c. 78 \(123:1\)](#).
- M3** [1972 c. 52 \(123:1, 2\)](#).
- M4** [1975 c. 77](#).
- M5** [1968 c. 16 \(123:4\)](#).
- M6** [1975 c. 77](#).
- M7** [1973 c. 65 \(81:2\)](#).

121 Certification of appropriate alternative development. **E+W+S**

- (1) This section re-enacts section 47 of the Community Land Act 1975 and accordingly shall have effect only in relation to applications, and certificates issued in pursuance of applications, made after 12 December 1975.
- (2) Section 17 of the ^{M8}Land Compensation Act 1961 and section 25 of the ^{M9}Land Compensation (Scotland) Act 1963 (certification of appropriate alternative development) shall each continue to be amended in accordance with subsections (2) to (5) of section 47 of the Community Land Act 1975 and, as amended by those subsections, section 49(3) of the said Act of 1963 and section 172(2) of the Local Government (Scotland) Act 1973, shall have effect as set out in Schedule 24 below.

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Marginal Citations

M8 1961 c. 33 (28:1).

M9 1963 c. 51(28:2).

122 Acquisition and disposal of land by the Crown. **E+W+S**

- (1) Where, in exercise of the power conferred by section 2 of the ^{M10}Commissioners of Works Act 1852, ^{F9} or section 103 of the ^{M11}Town and Country Planning (Scotland) Act 1972 (acquisition of land necessary for the public service) the Secretary of State has acquired, or proposes to acquire, any land (the “public service land”) and in his opinion other land ought to be acquired together with the public service land—
- (a) in the interests of the proper planning of the area concerned; or
 - (b) for the purpose of ensuring that the public service land can be used, or developed and used, (together with that other land) in what appears to the Secretary of State to be the best, or most economic, way; or
 - (c) where the public service land or any land acquired, or which the Secretary of State proposes to acquire, by virtue of paragraph (a) or (b) above, forms part of a common or open space or fuel or field garden allotment, for the purpose of being given in exchange therefor,

the said sections 2 ^{F9}, or as the case may be 103, shall apply to that other land as if its acquisition were necessary for the public service.

In the application of this subsection to Scotland the words “or fuel or field garden allotment” shall be omitted.

- (2) The said sections 2, ^{F10} and 103 shall be construed and have effect as if references to land necessary for the public service included land which it is proposed to use not only for the public service but also—
- (a) to meet the interests of proper planning of the area, or
 - (b) to secure the best, or most economic, development or use of the land.
- for other purposes.
- (3) The said sections 2, ^{F10} and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become, a member;
 - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
 - (c) of a foreign sovereign Power or the Government of such a power;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
- (4) Where the Secretary of State proposes to dispose of any of his land and is of the opinion that it is necessary, in order to facilitate that disposal, to acquire adjoining land, then, notwithstanding that the acquisition of that adjoining land is not necessary for the public service, the said section 2 shall apply as if it were necessary for the public service.

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- (5) Where the Secretary of State is authorised by the said section 2 to acquire land by agreement for a particular purpose, he may acquire that land notwithstanding that it is not immediately required for that purpose; and any land acquired by virtue of this subsection may, until required for the purpose for which it was acquired, be used for such purpose as the Secretary of State may determine.
- (6) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under the said sections 2, ^{F10} or 103 to such person, in such manner and subject to such conditions as may appear to the Secretary of State to be expedient, and in particular may under this subsection dispose of land held by him for any purpose in order to secure the use of the land for that purpose.
- (7) Any expenditure of the Secretary of State attributable to this section shall be paid out of money provided by Parliament.
- (8) This section (which re-enacts section 37 of the ^{M12}Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (3) there were substituted:—
- (3) The said sections 2, ^{F10} and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty’s Government in the United Kingdom, is, or is to become, a member;
 - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

Textual Amendments

F9 Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

F10 Word repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

Marginal Citations

M10 1852 c. 28 (29:7).

M11 1972 c. 52 (123:1, 2).

M12 1975 c. 77.

123 Acquisition of land by the Crown in Northern Ireland. **N.I.**

- (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become a member;

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- (b) of any office or agency established by such an organisation or institution for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
 - (c) of a foreign sovereign Power or the Government of such a Power;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
- (2) The said provisions are section 5(1) of the ^{M13}Stormont Regulation and Government Property Act (Northern Ireland) 1933 and Article 65 of the ^{M14}Land Acquisition and Compensation (Northern Ireland) Order 1973.
- (3) This section (which re-enacts section 38 of the Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (1) there were substituted:—
- (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty’s Government in the United Kingdom, is, or is to become, a member;
 - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
- (4) This section extends to Northern Ireland only.

Marginal Citations

M13 1933 c. 6 (N.I.).

M14 1973 No. 1896 (N.I. 21).

124 Town development functions. **E+W**

- (1) Subject to subsections (2) and (3) below, the functions under the ^{M15}Town Development Act 1952 which the ^{M16}Local Government Act 1972 conferred on county councils shall cease to be exercisable by such councils.
- (2) Nothing in this section shall affect—
- (a) any undertaking under section 4 or 10(3) of the Town Development Act 1952; or
 - (b) any agreement under section 8 of that Act,
- which a county council have given or made before the passing of this Act.
- (3) The repeal of section 11 of the Town Development Act 1952 (modification of enactments consequential on participation by county council) shall not affect any orders under that section which are in force at the passing of this Act; and any such order may accordingly be varied or revoked under that section as if this Act had not been passed.

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Marginal Citations

M15 1952 c. 54 (123:1).

M16 1972 c. 70. (81:1).

125 **Extent of Part XIV.** **E+W**

In this Part of this Act, only sections 116, 118, and 120 to 122 extend to Scotland.

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