



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XIV

LAND—MISCELLANEOUS

Miscellaneous provisions about land

120 Compulsory acquisition: exclusion of special parliamentary procedure.

- (1) The [^{F1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] shall apply to any compulsory acquisition of an interest in land where—
- the notice of the making or preparation in draft of a compulsory purchase order is first duly published on or after [^{F2}6th April 1976 (or, in the application of this section to Scotland,) 1st September 1976), and
 - the person acquiring the interest is a [^{F1}regional, islands or district council], [^{F2}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 [^{F2}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 [^{F2}the National Trust or] the National Trust for Scotland.
- (3) [^{F2}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—

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: Local Government, Planning and Land Act 1980, Section 120 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 ^{F3}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 ^{F4}, ^{F5}hydraulic power or water,
 - (b) . . . ^{F6}, the Civil Aviation Authority, [^{F7}. . .], 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 [^{F2}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 persons mentioned in subsection (1)(b) above included a new town authority (that is, a development corporation as defined [^{F2}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

- F1** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(4)**
- F2** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F3** [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\(1\)\(c\)](#)
- F4** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18** (with s. 112(3), [Sch. 17 para. 35\(1\)](#))
- F5** Words repealed by [Gas Act 1986 \(c. 44, SIF 44\)](#), s. 67(4), **Sch. 9 Pt. I**
- F6** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**
- F7** [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](#)

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

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Modifications etc. (not altering text)

- C1** 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))
- C2** 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**
- C3** 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**).

Status:

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