



Highways Act 1980

1980 CHAPTER 66

PART XII

ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

Further provisions with respect to acquisition procedure for exercise of highway land acquisition powers

257 Compulsory acquisition proceedings taken concurrently with other related proceedings, etc.

(1) Where a compulsory purchase order is made or proposed to be made in the exercise of highway land acquisition powers—

- (a) for the purpose of enabling one or more of the orders and schemes to which Schedule 1 to this Act applies (“the related instruments”) to be implemented when it or they become operative, or
- (b) for a purpose connected with a highway or proposed highway to which one or more of the related instruments relate,

the proceedings required by [^{F1}Acquisition of Land Act 1981] to be taken for the purpose of confirming or making the compulsory purchase order may be taken concurrently (so far as practicable) with the proceedings required by Schedule 1 to this Act to be taken for the purpose of confirming or making the related instrument or, as the case may be, with two or more of the proceedings thereby required to be taken for the purpose of confirming or making the related instruments.

(2) Where—

- (a) a compulsory purchase order is made or proposed to be made in the exercise of highway land acquisition powers for the purpose of the provision of a new means of access to any premises, and
- (b) an order under section 124 above authorising the stopping up of a means of access to those premises is made or proposed to be made in connection with the provision of the new means of access,

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the proceedings required by [^{F2}Acquisition of Land Act 1981] to be taken for the purpose of confirming or making the compulsory purchase order may be taken concurrently (so far as practicable) with the proceedings required by section 124 to be taken for the purpose of confirming or making the order under that section.

- (3) A compulsory purchase order made in the exercise of highway land acquisition powers for a purpose specified in column 1 of Schedule 20 to this Act may come into operation on the same day as any order or scheme specified in relation thereto in column 2 of that Schedule.
- (4) The Minister of Transport may make regulations for securing that proceedings required by [^{F3}Acquisition of Land Act 1981] to be taken in respect of the compulsory acquisition of any land—
- (a) for the purpose of enabling a highway authority or the owners of a bridge to comply with a requirement or direction contained in an order made under section 93 above, or
 - (b) for the purpose of providing or improving a cattle-grid or by-pass in the exercise of powers conferred by this Act,

may be taken concurrently (so far as practicable) with proceedings required to be taken for the purposes of the order under section 93 or, as the case may be, the purposes of the determination under Schedule 10 to this Act of a question relating to the provision of the cattle-grid or by-pass.

Textual Amendments

- F1** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 31\(10\)](#)
- F2** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 31\(10\)](#)
- F3** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 31\(10\)](#)

258 Provisions relating to objections to compulsory purchase orders.

- (1) Where proceedings required by [^{F4}Part II of, or Schedule 1 to, the Acquisition of Land Act 1981] to be taken in respect of a compulsory purchase order made or proposed to be made in the exercise of highway land acquisition powers for a purpose specified in column 1 of Schedule 20 to this Act are taken after the confirmation or making by the Minister of an order or scheme specified in relation thereto in column 2 of that Schedule, then—
- (a) in the case of a compulsory purchase order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly,
 - (b) in any other case, the Minister,
- may disregard for the purposes of the said Schedule 1 any objection to the compulsory purchase order or draft thereof, as the case may be, which in his or their opinion amounts in substance to an objection to that order or scheme.
- (2) Where objections to a compulsory purchase order made or proposed to be made in the exercise of highway land acquisition powers for purposes connected with the construction, improvement, diversion or alteration of a highway are to be the subject of a local inquiry or considered by a person appointed by the Minister, or by the Minister and the Secretary of State acting jointly, the Minister or, as the case may be, those Ministers may, by notice served on the persons making such objections or by the notice

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announcing the holding of the inquiry or hearing, direct that any person who intends at the inquiry to submit—

- (a) that any highway or proposed highway to which the order relates should follow an alternative route, or
- (b) that, instead of improving, diverting or altering a highway to which the order relates, a new highway should be constructed on a particular route,

shall send to the Minister within such period as may be specified in the notice, being a period of not less than 14 days and ending not less than 14 days before the date fixed for the holding of the inquiry or hearing, sufficient information about the alternative route or the route of the new highway, as the case may be, to enable it to be identified.

- (3) Where the Minister or the Minister and the Secretary of State acting jointly have given a direction under subsection (2) above in relation to an inquiry or hearing, the person holding the inquiry or hearing and the Minister or, as the case may be, those Ministers may disregard so much of any objection as consists of a submission to which the direction applies unless the person making the objection has complied with the direction.

Textual Amendments

F4 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 31\(11\)](#)

Modifications etc. (not altering text)

- C1** Functions under s. 258 so far as exercisable jointly by Minister of Transport and Secretary of State now exercisable by Secretary of State for Transport: [S.I. 1981/238](#), [art. 2\(1\)\(b\)](#)
- C2** S. 258: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), [arts. 5, 7](#) (with art. 8)

259 Power to confirm, etc., compulsory purchase order in part and postpone consideration of remainder.

F5

Textual Amendments

F5 S. 259 repealed (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(2), 120, [Sch. 7 para. 11\(4\)](#), [Sch. 9](#) (with s. 111, [Sch. 7 para. 11\(5\)](#)); [S.I. 2004/2593](#), [art. 2\(d\)\(e\)\(iv\)](#)

260 Clearance of title to land acquired for statutory purposes.

- (1) There may be included in a compulsory purchase order made by a highway authority in the exercise of highway land acquisition powers land in which the authority have already acquired interests by agreement in the exercise of such powers.
- (2) Where land is included in a compulsory purchase order as mentioned above, it is to be treated as subject to compulsory purchase for the purposes of the Act of 1965, and that Act shall apply accordingly, except as respects—
 - (a) the conveyance to the acquiring authority of any interest which they have acquired by agreement before the date of the coming into force of the compulsory purchase order; and

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(b) compensation, so far as already paid or the subject of agreement.

(3) Where—

- (a) in the exercise of powers conferred by section 239(4)(c) above, a special road authority have acquired land for the provision of a service area, or
- (b) in the exercise of powers conferred by section 240(3)(a) above, the Minister^{F6} or a strategic highways company] has acquired land for the provision of a trunk road picnic area, or
- (c) in exercise of powers conferred by section 240(5) above, a highway authority have acquired land for the provision of a lorry area,

subsection (4) below has effect with respect to any activities carried on on the land in the course of its use for the purposes of a service area, trunk road picnic area or lorry area, as the case may be.

- (4) Any such activities are, as against a person who apart from the acquisition would have had a right to restrain such activities, or a right the exercise of which would be calculated to interfere with them, to be treated as activities of the authority in question (that is to say, the special road authority, the Minister^{F7}, strategic highways company] or the highway authority, as the case may be) carried on under statutory powers, notwithstanding that they are carried on by other persons under contract to the authority or otherwise.

Textual Amendments

- F6** Words in s. 260(3)(b) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 50(2)**; S.I. 2015/481, reg. 2(a)
- F7** Words in s. 260(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 50(3)**; S.I. 2015/481, reg. 2(a)

Modifications etc. (not altering text)

- C3** S. 260(1) modified (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\)](#), regs. 1(2), **12(g)(vi)**

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