



Highways Act 1980

1980 CHAPTER 66

PART XII

ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

Additional provisions with respect to acquisition of rights over land

250 Land acquisition powers to extend to creation as well as acquisition of rights.

- (1) A compulsory purchase order made in the exercise of highway land acquisition powers may provide for the acquisition of rights over land by creating them as well as for the acquisition of rights already in existence.

In this Act “highway land acquisition powers” means powers in respect of acquisition of land which are exercisable by a highway authority under any of the following provisions of this Act, namely, sections 239, 240, 242 to 246 and 250(2).

- (2) Where rights over land are, or are to be, acquired by a highway authority by means of a compulsory purchase order made in the exercise of highway land acquisition powers, and the land forms part of a common, open space or fuel or field garden allotment and other land is required for the purpose of being given in exchange for those rights, the authority may acquire by agreement or compulsorily that other land; and subsections (1) to (3) of section 247 above apply in relation to this subsection as they apply in relation to the provisions there mentioned.

- (3) In section 247(1) to (4) above references to acquisition of land include references to compulsory acquisition of rights by virtue of this section.

[^{F1}(3A) Schedule 3 to the Acquisition of Land Act 1981 shall apply to the compulsory purchase of a right by virtue of this section.]

- (4) The Acts of . . . ^{F2} 1965 have effect with the modifications necessary to make them apply to the compulsory acquisition of a right by virtue of this section as they apply to the compulsory acquisition of land, so that, in appropriate contexts, references in these Acts to land are to be read as referring, or as including references, to the right

Status: Point in time view as at 01/04/2018.

Changes to legislation: Highways Act 1980, Section 250 is up to date with all changes known to be in force on or before 20 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)

acquired or to be acquired, or to land over which the right is, or is to be, exercisable, according to the requirements of the particular context.

- (5) For the purpose of giving effect to this section, and without prejudice to the general adaptation of enactments under subsection (4) above—
- [^{F3}(a) Part II of Schedule 19 to this Act has effect for the adaptation of Part I of the Act of 1965 to cases of compulsory acquisition of rights]
- (c) as respects compensation in such cases, the enactments relating to compensation for the compulsory purchase of land apply, with the necessary modifications, as they apply to compensation on the compulsory purchase of land and interests in land.
- (6) References in any enactment or instrument to the acquisition of land, in a context relating to compulsory acquisition under highway land acquisition powers, are to be construed (except in so far as the context otherwise requires) as including references to the compulsory acquisition of a right or rights by virtue of this section.
- (7) The provisions of this section are without prejudice to section 242(3) above, sections 254 and 255 below and any other provision of this Act which, by virtue of the definition of “land” in section 329(1) below, authorises the acquisition of interests in or rights over land.
- (8) References in this section and in sections 251 and 252 below to rights over land include references to the right to do, or to place and maintain, any thing in, on or under land, or in the air-space above its surface.

Textual Amendments

- F1** S. 250(3A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 31(6)**
- F2** 1946 and repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F3** S. 250(5)(a) substituted for paras. (a) and (b) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 31(7)**

Modifications etc. (not altering text)

- C1** S. 250(1)(2) 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)(iii)**
- C2** S. 250(1)(2) functions exercisable jointly (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\)](#), regs. 1(2), **9(2)**, 10(g)
- C3** S. 250(1)(2) functions exercisable concurrently (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\)](#), regs. 1(2), **9(3)**, 11(i)
- C4** S. 250(4) modified by [Dartford-Thurrock Crossing Act 1988 \(c. 20, SIF 29\)](#), ss. 2, 19, **Sch. 2, Pt. II para. 2(3)(a)**
- C5** S. 250(4)(5) applied (with modifications) (13.2.1992) by [Severn Bridges Act 1992 \(c. 3\)](#), s. 2(6), **Sch. 2, Pt. II, para. 1(3)(a)** and (5.11.1993) by [1993 c. 42](#), s. 5, **Sch. 4 para. 1(2)(3)(a)**
- C6** S. 250(5) modified by [Dartford-Thurrock Crossing Act 1988 \(c. 20, SIF 59\)](#), ss. 2, 19, **Sch. 2, Pt. II, para. 2(3)(a)**

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