



# Compulsory Purchase (Vesting Declarations) Act 1981

## 1981 CHAPTER 66

An Act to consolidate the provisions of the Town and Country Planning Act 1968 concerning general vesting declarations, and related enactments. [30th October 1981]

### Modifications etc. (not altering text)

- C1** Act applied (16.3.1992) by [Avon Weir Act 1992 \(c. v\), s. 4\(3\)](#)
- C2** Act applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 22(3)  
Act applied (with modifications) (18.12.1996) by 1996 c. 61, ss. 4(3), 6, Sch. 4 Pt. II paras. 4, 5, 14(5), 15, [Sch. 5 para. 3\(b\)](#)  
Act applied (with modifications) (18.12.1996) by 1996 c. 61, s. 45(5)(6), [Sch. 4 para. 5\(2\)-\(7\)](#)  
Act applied (with modifications) (27.8.1998) by S.I. 1998/1936, [art. 28](#)  
Act applied (with modifications) (13.1.1999) by S.I. 1998/3269, [art. 22\(1\)\(2\)](#)  
Act applied (with modifications) (19.2.1999) by S.I. 1999/537, [arts. 6\(3\)\(4\)](#), 7(2), 11  
Act applied (with modifications) (23.8.1999) by S.I. 1999/2981, [art. 19](#)  
Act applied (with modifications) (24.12.1999) by S.I. 2000/428, [art. 12](#)  
Act applied (with modifications) (29.3.2001) by S.I. 2001/1347, [arts. 24](#), 33(1)(2)  
Act applied (with modifications) (29.3.2001) by S.I. 2001/1348, [art. 5](#)  
Act applied (with modifications) (2.3.2001) by S.I. 2001/1367, [art. 8](#)  
Act applied (with modifications) (2.3.2001) by S.I. 2001/1369, [art. 5](#)  
Act applied (with modifications) (22.3.2001) by S.I. 2001/1451, [arts. 9\(3\)\(4\)](#), 13(b)  
Act applied (with modifications) (24.7.2001) by S.I. 2001/3627, [art. 37](#)  
Act applied (with modifications) (9.11.2001) by S.I. 2001/3682, [art. 20](#)  
Act applied (with modifications) (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), [arts. 16](#), 23 (with saving in art. 38)  
Act applied (with modifications) (30.4.2002) by [The Docklands Light Railway \(Silvertown and London City Airport Extension\) Order 2002 \(S.I. 2002/1066\)](#), [arts. 22](#), 32 (with art. 26, Sch. 8)  
Act applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\)](#), [art. 20](#)  
Act applied (with modifications) (12.8.2002) by [The Channel Tunnel Rail Link \(Thames Tunnel Approach\) Order 2002 \(S.I. 2002/1943\)](#), [arts. 4\(3\)\(4\)](#), 10
- C3** Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)

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- C4 Act modified (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, s. 19(6), **Sch. 4 paras. 6-9** ; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(2)(c)**
- C5 Act applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **arts. 25, 37**
- C6 Act applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **arts. 31, 41** (with arts. 65, 66)
- C7 Act applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 31** (with art. 51)
- C8 Act applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), **art. 27** (with art. 47)
- C9 Act applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 26** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C10 Act applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **arts. 26, 36** (with arts. 3(5), 15(3))
- C11 Act applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **arts. 24, 33** (with art. 52)
- C12 Act modified (30.4.2006) by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), **Sch. 1 para. 2**
- C13 Act applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **art. 20** (with art. 40, Sch. 7 para. 12)
- C14 Act applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **arts. 22, 33** (with art. 43)
- C15 Act applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **arts. 21, 28**
- C16 Act applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **arts. 25, 32** (with arts. 46-48, Sch. 6 para. 23)
- C17 Act applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **arts. 22, 31** (with arts. 3(6), 12(3))
- C18 Act applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), Sch. 6 paras. 4, **5**
- C19 Act applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **arts. 24, 33(1)** (with art. 36(3))
- C20 Act applied (with modifications) (29.12.2008) by The Network Rail (Thameslink) (Land Acquisition) Order 2008 (S.I. 2008/3163), **art. 5** (with art. 13)
- C21 Act applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 31** (with art. 45(1), Sch. 13 para. 14(2), Sch. 14 para. 19)
- C22 Act applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), **arts. 19, 30**
- C23 Act applied (with modifications) (28.10.2009) by The Network Rail (Reading) (Land Acquisition) Order 2009 (S.I. 2009/2728), **arts. 5, 17**
- C24 Act applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), **arts. 18, 25**
- C25 Act applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), **arts. 23, 34** (with art. 51, Sch. 10 paras. 68, 85)
- C26 Act applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), **arts. 19, 31**
- C27 Act applied (with modifications) (1.7.2011) by The Saundersfoot Harbour Empowerment Order 2011 (S.I. 2011/1565), **art. 18**
- C28 Act applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), **arts. 23, 33** (with arts. 46-48, Sch. 8 para. 18)
- C29 Act applied (with modifications) (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), **art. 20** (with art. 26(2))

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- C30** Act applied (with modifications) (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), **art. 26** (with art. 35(2))
- C31** Act applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), **arts. 24, 36** (with art. 42(2))
- C32** Act applied (with modifications) (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), **arts. 7, 13**
- C33** Act applied (with modifications) (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), **art. 24**
- C34** Act applied (with modifications) (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), **art. 29** (with arts. 48, 68, 79)
- C35** Act applied (with modifications) (16.4.2013) by The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767), **art. 5** (with arts. 20, 21)
- C36** Act applied (with modifications) (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), **art. 20** (with arts. 11, 12)
- C37** Act applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), **art. 18**
- C38** Act applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), **arts. 23, 33**
- C39** Act applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), **art. 28** (with arts. 38(1), 42, 43)
- C40** Act applied (with modifications) (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), **art. 22**
- C41** Act applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), **art. 19** (with arts. 16(1), 27(2), 39, Sch. 10 para. 4)
- C42** Act applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), **art. 21** (with art. 20(1))
- C43** Act applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), **arts. 25, 35** (with arts. 57, 58, Sch. 11 para. 19)
- C44** Act applied (with modifications) (11.3.2014) by The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 (S.I. 2014/310), **arts. 10, 17**
- C45** Act applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), **art. 24** (with art. 34(2))
- C46** Act applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), **art. 27**
- C47** Act applied (with modifications) (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), **art. 19** (with arts. 37, 38, Sch. 9 para. 19)
- C48** Act applied (with modifications) (24.7.2014) by The Daventry International Rail Freight Interchange Alteration Order 2014 (S.I. 2014/1796), **art. 21** (with art. 24(2), Sch. 6 para. 3)
- C49** Act applied (with modifications) (29.7.2014) by The Felixstowe Branch Line (Land Acquisition) Order 2014 (S.I. 2014/1821), **arts. 5, 14**
- C50** Act applied (with modifications) (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), **art. 27** (with arts. 12, 13, Sch. 12 Pt. 1 para. 19, Pt. 2 para. 6, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)
- C51** Act applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), **art. 18** (with art. 31(2))
- C52** Act applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), **arts. 19, 22**  
Act applied (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1, 34**
- C53** Act applied (with modifications) (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), **arts. 19(1)(b), 21** (with arts. 6, 13, 16(4), Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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- C54 Act applied (2.10.2014) by [The Clocaenog Forest Wind Farm Order 2014 \(S.I. 2014/2441\)](#), **art. 25** (with [art. 33](#))
- C55 Act applied (with modifications) (21.10.2014) by [The Central Bedfordshire Council \(Woodside Link Houghton Regis\) Development Consent Order 2014 \(S.I. 2014/2637\)](#), **art. 23**
- C56 Act applied (with modifications) (29.10.2014) by [The Able Marine Energy Park Development Consent Order 2014 \(S.I. 2014/2935\)](#), **art. 36** (with arts. 30(4), 53)
- C57 Act applied (with modifications) (28.11.2014) by [The Walney Extension Offshore Wind Farm Order 2014 \(S.I. 2014/2950\)](#), **art. 23** (with arts. 38, 39)
- C58 Act applied (with modifications) (15.12.2014) by [The London Underground \(Northern Line Extension\) Order 2014 \(S.I. 2014/3102\)](#), **art. 25** (with Sch. 8 para. 45)
- C59 Act applied (with modifications) (31.12.2014) by [The Hornsea One Offshore Wind Farm Order 2014 \(S.I. 2014/3331\)](#), **art. 19** (with arts. 37, 38)
- C60 Act applied (with modifications) (7.1.2015) by [The Willington C Gas Pipeline Order 2014 \(S.I. 2014/3328\)](#), **art. 21**
- C61 Act applied (with modifications) (2.2.2015) by [The Northumberland County Council \(A1 – South East Northumberland Link Road \(Morpeh Northern Bypass\)\) Development Consent Order 2015 \(S.I. 2015/23\)](#), **art. 25**
- C62 Act applied (with modifications) (25.2.2015) by [The A160/A180 \(Port of Immingham Improvement\) Development Consent Order 2015 \(S.I. 2015/129\)](#), **art. 24**
- C63 Act applied (with modifications) (26.2.2015) by [The Cornwall Council \(A30 Temple to Higher Carblake Improvement\) Order 2015 \(S.I. 2015/147\)](#), **art. 24**
- C64 Act applied (with modifications) (11.3.2015) by [The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 \(S.I. 2015/318\)](#), **art. 26** (with arts. 40, 41, Sch. 12 Pt. 1 paras. 4, 9(2), 10, Sch. 12 Pt. 2 paras. 4(2)(3), 19, Sch. 12 Pt. 4 paras. 3, 4, 16)
- C65 Act applied (with modifications) (1.4.2015) by [The Knottingley Power Plant Order 2015 \(S.I. 2015/680\)](#), **art. 23** (with Sch. 8 para. 10)
- C66 Act applied (with modifications) (21.4.2015) by [The Network Rail \(Ordsall Chord\) Order 2015 \(S.I. 2015/780\)](#), **art. 23** (with [art. 36\(2\)](#))
- C67 Act applied (with modifications) (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), **art. 10(2)**
- C68 Act applied (with modifications) (9.6.2015) by [The White Moss Landfill Order 2015 \(S.I. 2015/1317\)](#), **art. 17** (with [art. 5](#))
- C69 Act applied (with modifications) (23.6.2015) by [The Norfolk County Council \(Norwich Northern Distributor Road \(A1067 to A47\(T\)\)\) Order 2015 \(S.I. 2015/1347\)](#), **art. 25**
- C70 Act applied (with modifications) (30.6.2015) by [The Swansea Bay Tidal Generating Station Order 2015 \(S.I. 2015/1386\)](#), **art. 29** (with arts. 51, 53)
- C71 Act applied (with modifications) (7.8.2015) by [The Preesall Underground Gas Storage Facility Order 2015 \(S.I. 2015/1561\)](#), **art. 22** (with [art. 44](#))
- C72 Act applied (with modifications) (14.8.2015) by [The Hirwaun Generating Station Order 2015 \(S.I. 2015/1574\)](#), **art. 22** (with [art. 30](#))
- C73 Act applied (with modifications) (14.8.2015) by [The Progress Power \(Gas Fired Power Station\) Order 2015 \(S.I. 2015/1570\)](#), **art. 23**
- C74 Act applied (with modifications) (26.8.2015) by [The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 \(S.I. 2015/1592\)](#), **art. 27** (with arts. 40, 41)
- C75 Act applied (with modifications) (30.9.2015) by [The Network Rail \(Blackthorn and Piddington\) \(Land Acquisition\) Order 2015 \(S.I. 2015/1684\)](#), **art. 5(2)**
- C76 Act applied (with modifications) (16.12.2015) by [The Network Rail \(Tinsley Chord\) Order 2015 \(S.I. 2015/1876\)](#), **art. 15** (with [art. 24\(1\)\(b\)](#))
- C77 Act applied (with modifications) (30.12.2015) by [The Port Talbot Steelworks Generating Station Order 2015 \(S.I. 2015/1984\)](#), **art. 13** (with [art. 26](#))
- C78 Act applied (with modifications) (12.1.2016) by [The London Underground \(Bank Station Capacity Upgrade\) Order 2015 \(S.I. 2015/2044\)](#), **art. 22**

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- C79** Act applied (with modifications) (2.2.2016) by [The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 \(S.I. 2016/17\)](#), **art. 29**
- C80** Act applied (with modifications) (9.2.2016) by [The National Grid \(Hinkley Point C Connection Project\) Order 2016 \(S.I. 2016/49\)](#), **art. 25** (with arts. 21(1), 32)
- C81** Act applied (with modifications) (18.2.2016) by [The A19/A1058 Coast Road \(Junction Improvement\) Development Consent Order 2016 \(S.I. 2016/73\)](#), **art. 23** (with art. 37)
- C82** Act applied (with modifications) (25.3.2016) by [The Thorpe Marsh Gas Pipeline Order 2016 \(S.I. 2016/297\)](#), **art. 25** (with art. 39)
- C83** Act applied (with modifications) (1.6.2016) by [The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 \(S.I. 2016/547\)](#), **art. 26** (with arts. 4, 5(3))
- C84** Act applied (with modifications) (14.6.2016) by [The Midland Metro \(Birmingham City Centre Extension, etc.\) \(Land Acquisition and Variation\) Order 2016 \(S.I. 2016/545\)](#), **art. 22** (with art. 39)
- C85** Act applied (with modifications) (2.8.2016) by [The Meaford Gas Fired Generating Station Order 2016 \(S.I. 2016/779\)](#), **art. 19**
- C86** Act applied (with modifications) (2.8.2016) by [The Midland Metro \(Wolverhampton City Centre Extension\) Order 2016 \(S.I. 2016/684\)](#), **art. 29** (with arts. 39, 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C87** Act applied (with modifications) (10.8.2016) by [The York Potash Harbour Facilities Order 2016 \(S.I. 2016/772\)](#), **art. 28** (with arts. 35, 36)
- C88** Act applied (with modifications) (19.8.2016) by [The North Wales Wind Farms Connection Order 2016 \(S.I. 2016/818\)](#), **art. 24** (with art. 35)
- C89** Act applied (with modifications) (7.9.2016) by [The Hornsea Two Offshore Wind Farm Order 2016 \(S.I. 2016/844\)](#), **art. 22** (with arts. 37, 38)
- C90** Act applied (with modifications) (15.9.2016) by [The River Humber Gas Pipeline Replacement Order 2016 \(S.I. 2016/853\)](#), **art. 26** (with art. 43)
- C91** Act applied (with modifications) (23.9.2016) by [The M4 Motorway \(Junctions 3 to 12\) \(Smart Motorway\) Development Consent Order 2016 \(S.I. 2016/863\)](#), **art. 24**
- C92** Act applied (with modifications) (27.9.2016) by [The Triton Knoll Electrical System Order 2016 \(S.I. 2016/880\)](#), **art. 20** (with arts. 39, 40, Sch. 8 para. 19)
- C93** Act applied (with modifications) (28.10.2016) by [The Brechfa Forest Wind Farm Connection Order 2016 \(S.I. 2016/987\)](#), **arts. 22, 25** (with art. 37)
- C94** Act applied (with modifications) (24.11.2016) by [The Transport for Greater Manchester \(Light Rapid Transit System\) \(Trafford Park Extension\) Order 2016 \(S.I. 2016/1035\)](#), **art. 29** (with arts. 43, 44)
- C95** Act applied (with modifications) (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 4(4), Sch. 6 para. 3, Sch. 9 paras. 3, 4 (as amended (24.2.2017) by [2017 \(c. 7\)](#), s. 70(2), Sch. 14 paras. 6, 7, 9; [S.I. 2017/209](#), reg. 2)
- C96** Act applied (with modifications) (18.3.2017) by [The North London Heat and Power Generating Station Order 2017 \(S.I. 2017/215\)](#), **art. 23**
- C97** Act applied (with modifications) (5.4.2017) by [The Keuper Underground Gas Storage Facility Order 2017 \(S.I. 2017/433\)](#), **art. 26**

#### Commencement Information

- I1** Act wholly in force at 30.1.1982, see s. 17(2)



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## PART I

### GENERAL

#### 1 Application of Act.

- (1) This Act has effect for the purpose of enabling any authority to whom this section applies to vest in themselves by a declaration land which they are authorised by a compulsory purchase order to acquire, and with respect to connected matters.
- (2) This section applies to any Minister of local or other public authority authorised to acquire land by means of a compulsory purchase order.

#### 2 Interpretation and construction.

- (1) In this Act—

“acquiring authority” means a Minister or other authority to whom section 1 above applies,

“general vesting declaration” means a declaration executed under section 4 below,

“land”, in relation to compulsory acquisition by an acquiring authority, has the same meaning as in the relevant enactments,

“long tenancy which is about to expire” has the meaning given by subsection (2) below,

“minor tenancy” means a tenancy for a year or from year to year, or any lesser interest,

“prescribed” means prescribed by regulations made by the Secretary of State which shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament,

“relevant enactments”, in relation to an acquiring authority, means the enactments under which that authority may acquire or be authorised to acquire land compulsorily and which prescribe a procedure for effecting the compulsory acquisition by them by means of a compulsory purchase order,

“tenancy” has the same meaning as in the <sup>M1</sup>Landlord and Tenant Act 1954,

“vesting date”, in relation to a general vesting declaration, has the meaning given by section 4(3) below.

- (2) In this Act “long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a minor tenancy, but having on the vesting date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this definition be specified in the declaration in relation to the land in which the tenancy subsists).

In determining for the purposes of this subsection what period a tenancy still has to run on the vesting date it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him,
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.

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- (3) [<sup>F1</sup>Section 330 of the <sup>M2</sup>Town and Country Planning Act 1990] (information as to interests in land) shall have effect as if this Act were part of that Act.

#### Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 52\(1\)](#)

#### Marginal Citations

- M1** 1954 c. 56.  
**M2** 1990 c. 8.

## PART II

### EXECUTION OF DECLARATION

#### <sup>F2</sup>3 Preliminary notices.

#### Textual Amendments

- F2** S. 3 omitted (3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 15 para. 5; S.I. 2017/75, reg. 3\(j\) \(with reg. 5\); S.I. 2017/281, reg. 4\(j\) \(with reg. 8\(2\)\)](#)

#### 4 Execution of declaration.

- (1) The acquiring authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form vesting the land in themselves from the end of such period as may be specified in the declaration (not being less than [<sup>F3</sup>3 months] from the date on which the service of notices required by section 6 below is completed).
- [<sup>F4</sup>(1A) But an acquiring authority may not execute a declaration in respect of land if they have served a notice to treat in respect of that land and have not withdrawn it.
- (1B) In subsection (1A) the reference to an authority having “served” a notice does not include cases in which the authority is deemed to have served a notice.]
- (2) For the purposes of this Act a certificate by the acquiring authority that the service of notices required by section 6 below was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.
- [<sup>F5</sup>(3) For the purposes of this Act the “vesting date” in relation to any land that is actually specified in a general vesting declaration is—
- (a) the first day after the end of the period specified in the declaration in accordance with subsection (1) above, or

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- (b) if a counter-notice is served under paragraph 2 of Schedule A1 within that period in relation to land, the day determined as the vesting date for the land in accordance with that Schedule.
- (4) For the purposes of this Act, the “vesting date” for any land that is deemed to have been specified in a general vesting declaration by Schedule A1 is the day determined as the vesting date for the land in accordance with that Schedule.]

#### Textual Amendments

- F3** Words in s. 4(1) substituted (3.2.2017) by Housing and Planning Act 2016 (c. 22), ss. 184, 216(3); S.I. 2017/75, reg. 3(d) (with reg. 5)
- F4** S. 4(1A)(1B) inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), ss. 185, 216(3); S.I. 2017/75, reg. 3(d) (with reg. 5)
- F5** S. 4(3)(4) substituted for s. 4(3) (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 18 para. 2; S.I. 2017/75, reg. 3(k) (with reg. 5)

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

- C98** S. 4 excluded (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, 21(b) (with art. 33)
- C99** S. 4 excluded (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, 20(1)
- C100** S. 4 restricted (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, 20(1)(b) (with Sch. 8 para. 10)
- C101** S. 4 excluded (21.4.2015) by The Crossrail (Plumstead Sidings) Order 2015 (S.I. 2015/781), arts. 1, 16(b)
- C102** S. 4 excluded (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, 27(1)(b) (with arts. 51, 53)
- C103** S. 4 excluded (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, 31(1)(b) (with art. 44)
- C104** S. 4 excluded (14.8.2015) by The Hirwaun Generating Station Order 2015 (S.I. 2015/1574), arts. 1, 19(1)(b) (with art. 30)
- C105** S. 4 excluded (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, 20(1)(b)
- C106** S. 4 excluded (30.9.2015) by The Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015 (S.I. 2015/1684), arts. 1, 12(1)(b)
- C107** S. 4 excluded (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, 15(b) (with art. 26)

## 5 Earliest date for execution of declaration.

<sup>F6</sup>(1) .....

- (2) A declaration under section 4 above shall not be executed before the compulsory purchase order has come into operation, and this subsection applies in particular where the compulsory purchase order is subject to special parliamentary procedure and therefore does not come into operation in accordance with section 26(1) of the <sup>M3</sup>Acquisition of Land Act 1981 or any corresponding provision of the relevant enactments.



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#### Textual Amendments

- F6** S. 5(1) omitted (3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 15 para. 6](#); S.I. 2017/75, reg. 3(j) (with reg. 5); S.I. 2017/281, reg. 4(j) (with reg. 8(2))

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

- C108** S. 5 applied (with modifications) (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), [art. 21\(6\)](#)

#### Marginal Citations

- M3** 1981 c. 67.

### [<sup>F7</sup>5A Time limit for general vesting declaration

A general vesting declaration may not be executed after the end of the period of 3 years beginning with the day on which the compulsory purchase order becomes operative.]

#### Textual Amendments

- F7** S. 5A inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 182\(2\)](#), 216(3); S.I. 2016/733, reg. 3(i) (with reg. 7)

### [<sup>F8</sup>5B Extension of time limit during challenge

- (1) If an application is made under section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A is to be extended by—
  - (a) a period equivalent to the period beginning with the day the application is made and ending on the day it is withdrawn or finally determined, or
  - (b) if shorter, one year.
- (2) An application is not finally determined for the purposes of subsection (1)(a) if an appeal in respect of the application—
  - (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
  - (b) has been made and not withdrawn or finally determined.]

#### Textual Amendments

- F8** S. 5B inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 202\(2\)](#), 216(3); S.I. 2016/733, reg. 3(l) (with reg. 9)

## 6 Notices after execution of declaration.

- (1) As soon as may be after executing a general vesting declaration the acquiring authority shall serve—

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- (a) on every occupier of any of the land specified in the declaration (other than land in which there subsists a minor tenancy or a long tenancy which is about to expire), and
- (b) on every other person who has given information to the acquiring authority with respect to any of that land in pursuance of the invitation published and served under [<sup>F9</sup>section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981],

a notice in the prescribed form specifying the land and stating the effect of the declaration.

- (2) [<sup>F10</sup>Section 329 of the <sup>M4</sup>Town and Country Planning Act 1990] (service of notices) shall apply as if this section formed part of that Act.

#### Textual Amendments

**F9** Words in s. 6(1)(b) substituted (3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 15 para. 7](#); S.I. 2017/75, reg. 3(j) (with reg. 5); S.I. 2017/281, reg. 4(j) (with reg. 8(2))

**F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 52\(2\)](#)

#### Marginal Citations

**M4** 1990 c. 8.

## PART III

### EFFECT OF DECLARATION

#### 7 Constructive notice to treat.

[<sup>F11</sup>(1) On the vesting date the provisions of—

- (a) the Land Compensation Act 1961 (as modified by section 4 of the Acquisition of Land Act 1981),
- (b) the Compulsory Purchase Act 1965, and
- (c) Schedule A1 to this Act,

shall apply as if, on the date on which the general vesting declaration was executed, a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965, the acquiring authority could have served such a notice, other than any person entitled to a minor tenancy or a long tenancy which is about to expire.]

- (2) For the purposes of subsection (1) above it shall be assumed that the acquiring authority required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in section 5 of the Compulsory Purchase Act 1965.
- (3) The power conferred by section 31 of the <sup>M5</sup>Land Compensation Act 1961 to withdraw a notice to treat shall not be exercisable in respect of a notice to treat which is deemed to be served under this section.

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#### Textual Amendments

**F11** S. 7(1) substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 18 para. 3](#); [S.I. 2017/75](#), reg. 3(k) (with reg. 5)

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

**C109** S. 7 applied (with modifications) (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), [art. 21\(7\)](#)

#### Marginal Citations

**M5** 1961 c. 33.

## 8 Vesting, and right to enter and take possession.

- (1) [<sup>F12</sup>Any land specified in the general vesting declaration, together with the right to enter upon and take possession of it, shall, subject to section 9 below, vest in the acquiring authority on the vesting date in relation to that land as if—]
- (a) the circumstances in which under Part I of the <sup>M6</sup>Compulsory Purchase Act 1965 an authority authorised to purchase land compulsorily have any power to execute a deed poll had arisen in respect of all the land, and all interests therein, and
  - (b) the acquiring authority had duly exercised that power accordingly on the vesting date.
- (2) Subsection (1)(a) above applies to any deed poll whether for vesting land or any interest in land in the acquiring authority, or for extinguishing the whole or any part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance.
- (3) Section 11(1) of the <sup>M7</sup>Compulsory Purchase Act 1965 (power to enter upon land after service of notice to treat) shall not apply to land specified in a general vesting declaration.

#### Textual Amendments

**F12** Words in s. 8(1) substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 18 para. 4](#); [S.I. 2017/75](#), reg. 3(k) (with reg. 5)

#### Marginal Citations

**M6** 1965 c. 56.

**M7** 1965 c. 56.

## 9 Minor tenancies and tenancies about to expire.

- (1) This section applies where any land specified in a general vesting declaration is land in which there subsists a minor tenancy or a long tenancy which is about to expire.
- (2) The right of entry conferred by section 8(1) above shall not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the acquiring authority have served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than [<sup>F13</sup>3 months]) from the date on which the notice is served, they intend

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to enter upon and take possession of such land as is specified in the notice, and that period has expired.

- (3) The vesting of the land in the acquiring authority shall be subject to the tenancy until the period specified in a notice under subsection (2) above expires, or the tenancy comes to an end, whichever first occurs.

#### Textual Amendments

**F13** Words in s. 9(2) substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), ss. **191**, 216(3); S.I. 2017/75, reg. 3(f) (with reg. 5)

## PART IV

### SUPPLEMENTARY

#### 10 Acquiring authority's liability arising on vesting of the land.

- (1) Where any of the land specified in a general vesting declaration has become vested in an acquiring authority by virtue of Part III of this Act, the acquiring authority shall be liable to pay the like compensation, and the like interest on the compensation agreed or awarded, as they would have been required to pay if they had taken possession of the land under section 11(1) of the <sup>M8</sup>Compulsory Purchase Act 1965.
- (2) Section 22 of the Compulsory Purchase Act 1965 and Schedule 2 to that Act (absent and untraced owners) shall not apply to the compensation to be paid for any interest in land in respect of which a notice to treat is deemed to have been served by virtue of Part III of this Act.
- (3) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of Part III of this Act may be referred to the [<sup>F14</sup>Upper Tribunal] shall be 6 years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of Part III of this Act.

This subsection shall be construed as one with Part I of the <sup>M9</sup>Limitation Act 1980.

#### Textual Amendments

**F14** Words in s. 10(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 146** (with Sch. 5)

#### Marginal Citations

**M8** 1965 c. 56.

**M9** 1980 c. 58.

#### 11 Recovery of compensation overpaid.

- (1) This section applies where after the execution of a general vesting declaration a person ("the claimant") claims compensation in respect of the acquisition by the acquiring

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authority of an interest in land by virtue of the declaration, and the authority pay compensation in respect of that interest.

- (2) If it is shown that—
- (a) the land, or the claimant's interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim, and
  - (b) that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest,
- the acquiring authority may recover from the claimant the amount of the excess.
- (3) If it is shown that the claimant was not entitled to the interest, either in the whole or in part of the land to which the claim related, the acquiring authority may recover from the claimant an amount equal to the compensation paid, or as the case may be an amount equal to so much of that compensation as, on a proper apportionment, is attributable to that part of the land.
- (4) Any question arising under subsection (2) or (3) above as to—
- (a) the amount of the compensation to which the claimant was entitled in respect of an interest in land, or
  - (b) the apportionment of any compensation paid,
- shall be referred to and determined by the [<sup>F15</sup>Upper Tribunal.]
- (5) Subject to subsection (4) above, any amount recoverable by the acquiring authority under this section shall be recoverable in any court of competent jurisdiction.
- (6) If the acquiring authority are a local authority (as defined in [<sup>F16</sup>section 336(1) of the <sup>M10</sup>Town and Country Planning Act 1990]) any sum recovered by them under this section shall be applied towards the repayment of any debt incurred in acquiring or redeveloping the land, or if no debt was so incurred shall be paid into the account out of which sums incurred in the acquisition of that land were paid.

#### Textual Amendments

**F15** Words in s. 11(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 147** (with Sch. 5)

**F16** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 52(3)**

#### Marginal Citations

**M10** 1990 c. 8.

## 12 Divided land.

[<sup>F17</sup>Schedules A1 and 1] to this Act shall have effect.

#### Textual Amendments

**F17** Words in s. 12 substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 18 para. 5**; [S.I. 2017/75](#), reg. 3(k) (with reg. 5)

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### 13 Right of recovery of mistaken payment of rent, etc.

Where any of the land specified in a general vesting declaration has become vested in an acquiring authority under Part III of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a tenancy mortgage interest or any other matter) and makes any payment as in satisfaction or in part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constituted the cause of his being so relieved, or of one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

### 14 Documents of title.

Where, after land has become vested in an acquiring authority under Part III of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof; and section 64 of the <sup>M11</sup>Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

#### Marginal Citations

M11 1925 c. 20.

### 15 Application to orders under section 141 of the Local Government, Planning and Land Act 1980.

In relation to any order under section 141 of the <sup>M12</sup>Local Government, Planning and Land Act 1980 (which provides that such an order shall have the same effect as a general vesting declaration) this Act shall have effect subject to the modifications specified in Schedule 2 to this Act.

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

C110 S. 15 modified (10.11.1993) by 1993 c. 28, s. 161(4), Sch. 19 para. 6; S.I. 1993/2762, art.3; which modification was repealed (1.12.2008) by 2008 c. 17, s. 325(1), Sch. 8 para. 33(2), Sch. 16; S.I. 2008/3068, arts. 2(1)(w)(3), 5, Sch. (with arts. 6-13)

#### Marginal Citations

M12 1980 c. 65.

### 16 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.
- (2) The transitional provisions in Schedule 4 to this Act shall have effect.



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- (3) The enactments specified in Schedule 5 to this Act shall be repealed to the extent specified in the third column of that Schedule.

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

**C111** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

**17 Short title, commencement and extent.**

- (1) This Act may be cited as the Compulsory Purchase (Vesting Declarations) Act 1981.
- (2) This Act shall come into force at the expiration of a period of three months beginning with the date on which this Act is passed.
- (3) This Act shall not extend to Scotland or Northern Ireland.

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## SCHEDULES

### [<sup>F18</sup>SCHEDULE A1

Section 12

#### COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN GENERAL VESTING DECLARATION

##### Textual Amendments

**F18** Sch. A1 inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 18 para. 6**; [S.I. 2017/75](#), reg. 3(k) (with reg. 5)

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

**C112** Sch. A1 excluded by 2017 c. 7, s. 7(2) (as amended) (24.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(2), **Sch. 14 para. 2**; [S.I. 2017/209](#), reg. 2

**C113** Sch. A1 excluded by 2017 c. 7, s. 8(2) (as amended) (24.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(2), **Sch. 14 para. 3**; [S.I. 2017/209](#), reg. 2

### PART 1

#### COUNTER-NOTICE REQUIRING PURCHASE OF ADDITIONAL LAND

- 1 (1) This Schedule applies where an acquiring authority have executed a general vesting declaration in respect of part only of a house, building or factory.
- (2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).
- 2 A person able to sell the whole of the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the whole.
- 3 A counter-notice under paragraph 2 must be served before the end of the period of 28 days beginning with the day the owner first had knowledge of the general vesting declaration.
- 4 In a case where this Schedule applies by virtue of a general vesting declaration executed after a counter-notice has been served under paragraph 4 or 17 of Schedule 2A to the Compulsory Purchase Act 1965, that counter-notice is to have effect as a counter-notice served under this Schedule.
- 5 In this Schedule—
  - “additional land” means the part of the house, building or factory not specified in the general vesting declaration;
  - “house” includes any park or garden belonging to a house;
  - “land proposed to be acquired” means the part of the house, building or factory specified in the general vesting declaration;

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“notice to treat” means a notice to treat deemed to have been served under section 7(1);

“original vesting date” is the first day after the end of the period specified in the general vesting declaration in accordance with section 4(1).

## PART 2

### CONSEQUENCES OF COUNTER-NOTICE

#### *Acquiring authority must respond to counter-notice within three months*

- 6 (1) On receiving a counter-notice the acquiring authority must decide whether to—
- (a) withdraw the notice to treat in relation to the land proposed to be acquired,
  - (b) accept the counter-notice, or
  - (c) refer the counter-notice to the Upper Tribunal.
- (2) But the acquiring authority may not decide to withdraw the notice to treat if the counter-notice was served on or after the original vesting date.
- 7 The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).
- 8 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.
- 9 (1) This paragraph applies if the acquiring authority do not serve notice of a decision within the decision period.
- (2) If the counter-notice was served before the original vesting date, the authority are to be treated as if they had served notice of a decision to withdraw the notice to treat in relation to the land proposed to be acquired.
- (3) If the counter-notice was served on or after the original vesting date, they are to be treated as if they had served notice of a decision to accept it.

#### *No vesting if notice to treat withdrawn*

- 10 If the acquiring authority serve notice of a decision to withdraw the notice to treat in relation to the land proposed to be acquired the general vesting declaration is to have effect as if it did not include that land.

#### *Effects of accepting counter-notice*

- 11 (1) This paragraph applies where the acquiring authority serve notice of a decision to accept the counter-notice.
- (2) The general vesting declaration and the notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the additional land as well as in the land proposed to be acquired.
- (3) The authority must serve on the owner a notice specifying the vesting date or dates for—

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- (a) the land proposed to be acquired (if the counter-notice was served before the original vesting date), and
  - (b) the additional land.
- (4) The new vesting date for the land proposed to be acquired must not be before the original vesting date.
- (5) The vesting date for the additional land must be after the period of 3 months beginning with the day on which the notice under sub-paragraph (3) is served.

*Effects of referring counter-notice to the Upper Tribunal*

- 12 (1) This paragraph applies where—
- (a) the acquiring authority refer the counter-notice to the Upper Tribunal, and
  - (b) the counter-notice was served before the original vesting date.
- (2) At any time before the Upper Tribunal make a determination under paragraph 14, the acquiring authority may serve notice on the owner specifying a new vesting date for the land proposed to be acquired.
- (3) The new vesting date for the land proposed to be acquired must not be before the original vesting date.

### PART 3

#### DETERMINATION BY THE UPPER TRIBUNAL

*Introduction*

- 13 This Part applies where, in accordance with paragraph 8, the acquiring authority refer a counter-notice to the Upper Tribunal.

*Role of the Upper Tribunal*

- 14 (1) The Upper Tribunal must determine whether the severance of the land proposed to be acquired would—
- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
  - (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.
- (2) In making its determination, the Upper Tribunal must take into account—
- (a) the effect of the severance,
  - (b) the proposed use of the land proposed to be acquired, and
  - (c) if that land is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.
- 15 If the Upper Tribunal determines that the severance of the land proposed to be acquired would have either of the consequences described in paragraph 14(1) it must determine how much of the additional land the acquiring authority ought to be required to take in addition to the land proposed to be acquired.

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*Effect of determination that more land should be acquired*

- 16 (1) This paragraph applies where the Upper Tribunal specifies in its determination that the acquiring authority ought to be required to take the whole or part of the additional land (“the specified land”).
- (2) The general vesting declaration and any notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the specified land.
- (3) The Upper Tribunal must order a vesting date for—
- the specified land, and
  - any land proposed to be acquired which has not vested in the authority and for which no vesting date has been specified under paragraph 12.

[ If the vesting date for the specified land is after the vesting date for any land proposed<sup>F19</sup>(4) to be acquired, the Upper Tribunal's power to award compensation under section 7 of the Compulsory Purchase Act 1965 includes power to award compensation for any loss suffered by the owner by reason of the temporary severance of the land proposed to be acquired from the specified land.]

**Textual Amendments**

**F19** Sch. A1 para. 16(4) inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), ss. 41, 46(1); S.I. 2017/767, reg. 2(j)

*Withdrawal of notice to treat following determination*

- 17 (1) This paragraph applies where—
- the Upper Tribunal has specified in its determination that the acquiring authority ought to be required to take the whole or part of the additional land (“the specified land”), and
  - the vesting date in relation to the land proposed to be acquired has not passed, and
  - the vesting date in relation to the specified land has not passed.
- (2) The acquiring authority may, within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination, withdraw the notice to treat in relation to the land proposed to be acquired together with the specified land.
- (3) If the acquiring authority withdraws the notice to treat, the general vesting declaration is to have effect as if it did not include that land.
- (4) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.
- (5) Any dispute as to the compensation is to be determined by the Upper Tribunal.]

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SCHEDULE 1

Section 8.

DIVIDED LAND

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

**C114** Sch. 1 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 6 para. 11(3)(b)**

**C115** Sch. 1 excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 7(2), 8(2), 70(1)** (with s. 8(3))

<sup>F20</sup>**PART I**

BUILDINGS AND GARDENS ETC.

**Textual Amendments**

**F20** Sch. 1 Pt. I omitted (3.2.2017) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 18 para. 7**; S.I. 2017/75, **reg. 3(k)** (with **reg. 5**)

*Interpretation of Part I*

1 ..... .

*Objection to severance*

2 ..... .

3 ..... .

*Response by acquiring authority to objection to severance*

4 ..... .

5 ..... .

6 ..... .

7 ..... .

8 ..... .

9 ..... .

*Late service of notice of objection to severance*

10 ..... .



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## PART II

### RENTCHARGES AND TENANCIES

- 11 (1) Where land specified in a general vesting declaration is, together with other land not so specified, charged with a rentcharge, such proportion of the rentcharge as may be apportioned under section 18 of the <sup>M13</sup>Compulsory Purchase Act 1965 to the first-mentioned land shall, subject to sub-paragraph (3) below, be treated as having been extinguished by virtue of Part III of this Act on the vesting of that land in an acquiring authority under that Part.
- (2) Where by virtue of sub-paragraph (1) above a portion of the rentcharge is treated as having been extinguished, the provisions of section 18 of the <sup>M14</sup>Compulsory Purchase Act 1965 shall have effect as if the extinguishment had taken place under that section.
- (3) If, in the circumstances described in sub-paragraph (1) above, the person entitled to the rent charge and the owner of the land subject thereto enter into an agreement to that effect, the said section 18 shall have effect as if, at the time of the vesting of the land in the acquiring authority under Part III of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in subsection (2) of that section; and in that case no part of the rentcharge shall be treated as having been extinguished as regards the remaining part of the land charged therewith.
- (4) In this paragraph “rentcharge” has the same meaning as in section 18 of the <sup>M15</sup>Compulsory Purchase Act 1965.

#### Marginal Citations

**M13** 1965 c. 56

**M14** 1965 c. 56.

**M15** 1965 c. 56.

- 12 Where land specified in a general vesting declaration is, together with other land not so specified, comprised in a tenancy for a term of years unexpired, section 19 of the <sup>M16</sup>Compulsory Purchase Act 1965 shall have effect in relation thereto as if for references to the time of the apportionment of rent therein mentioned there were substituted references to the time of vesting of the tenancy in the acquiring authority.

#### Marginal Citations

**M16** 1965 c. 56.

## SCHEDULE 2

Section 15.

### VESTING OF LAND IN URBAN DEVELOPMENT CORPORATION

- 1 In relation to an order (“the order”) under section 141 of the <sup>M17</sup>Local Government, Planning and Land Act 1980 (subsection (4) of which provides that an order under

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that section shall have the same effect as a general vesting declaration) this Act shall have effect subject to the modifications in this Schedule.

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

**C116** Sch. 2 para. 1 modified: by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 76(5), [Sch. 9 Pt. II para. 12\(1\)](#); (10.11.1993) by [1993 c. 28, s. 161\(4\)](#), [Sch. 19 para. 7\(1\)](#); S.I. 1993/2762, [art. 3](#); which modification was repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 33\(3\)\(a\)](#), [Sch. 16](#); S.I. 2008/3068, [arts. 2\(1\)\(w\)\(3\)](#), 5, [Sch. \(with arts. 6-13\)](#)

**Marginal Citations**

**M17** [1980 c. 65](#).

- 2 (1) Any reference in Part III or IV to a general vesting declaration shall be treated as a reference to the order.
- (2) Any reference in Part III or IV to the vesting date shall be treated as a reference to the date on which the order comes into force, and the reference in section 11(1) to the execution of a general vesting declaration shall be treated as a reference to the order having come into force.
- 3 In section 7(1)—
- (a) the reference to every person on whom, under section 5 of the Compulsory Purchase Act 1965, the acquiring authority could have served a notice to treat shall be treated as a reference to every person whose interest in the land to which the order relates is vested by the order in the Urban Development Corporation,
- (b) paragraph (i) shall be omitted.

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

**C117** Sch. 2 para. 3 modified by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 76(5), [Sch. 9 Pt. II para. 12\(2\)](#)

**C118** Sch. 2 para. 3(a) modified (10.11.1993) by [1993 c. 28, s. 161\(4\)](#), [Sch. 19 para. 7\(2\)](#); S.I. 1993/2762, [art. 3](#); which modification was amended (1.12.2008) by [2008 c. 17, s. 325\(1\)](#), [Sch. 8 para. 33\(2\)](#); S.I. 2008/3068, [arts. 2\(1\)\(w\)\(3\)](#) (with [arts. 6-13](#))

- [<sup>F21</sup>4 In Schedule A1, for paragraph 3 there is to be substituted—
- “3 A counter-notice under paragraph 2 must be served within the period of 28 days beginning with the day on which the order comes into force.”]

**Textual Amendments**

**F21** Sch. 2 para. 4 substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 18 para. 8](#); S.I. 2017/75, [reg. 3\(k\)](#) (with [reg. 5](#))

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## SCHEDULE 3

Section 16(1).

### CONSEQUENTIAL AMENDMENTS

#### *Land Compensation Act 1973 (c. 26)*

- 1 In the Land Compensation Act 1973, in sections 50(4), 53(5) and 57(1) for “Schedule 3 to the Town and Country Planning Act 1968” substitute “Part III of the Compulsory Purchase (Vesting Declarations) Act 1981”.

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

**C119** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

- 2 ..... **F22**

.....  
**Textual Amendments**

**F22** Sch. 3 para. 2 repealed by [Capital Transfer Tax Act 1984 \(c. 51, SIF 65\)](#), [Sch. 9](#)

#### *Development Land Tax Act 1976 (c. 24)*

- 3 In section 45(5)(a) of the Development Land Tax Act 1976 for “Schedule 3 to the Town and Country Planning Act 1968” substitute “the Compulsory Purchase (Vesting Declarations) Act 1981”.

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

**C120** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

#### *Local Government, Planning and Land Act 1980 (c. 65)*

- 4 In section 141(4) of the Local Government, Planning and Land Act 1980 for “section 30 of the Town and Country Planning Act 1968” substitute “the Compulsory Purchase (Vesting Declarations) Act 1981”.

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

**C121** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

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## SCHEDULE 4

Section 16(2).

### TRANSITIONAL

#### *References to old law to include new law*

- 1 (1) This paragraph is without prejudice to section 17(2)(a) of the <sup>M18</sup>Interpretation Act 1978 as extended to the interpretation of subordinate legislation and instruments and documents by section 23(2) and (3) of that Act.
- (2) Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

#### **Marginal Citations**

**M18** 1978 c. 30.

#### *References to new law to include old law*

- 2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 3 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the circumstances or purposes in relation to which the corresponding provision in the enactments repealed by this Act has or had effect, a reference to, as the case may be to things done or falling to be done under or for the purpose of, that corresponding provision.

#### *Periods of time*

- 3 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

#### *Successor authorities*

- 4 (1) Any reference in this Act (whether express or implied) to a thing done by a Minister, or by a local authority, under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done by a predecessor authority under the corresponding enactment repealed by this Act.
- (2) In this paragraph “predecessor authority” means—
- where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred.
  - where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the <sup>M19</sup>London Government Act 1963, the <sup>M20</sup>Local Government Act 1972 and the <sup>M21</sup>Water Act 1973), the authority from whom the function was transferred.

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#### Marginal Citations

**M19** 1963 c. 33.

**M20** 1972 c. 70.

**M21** 1973 c. 37.

#### *Exclusion of compulsory purchase order in force before 1st April 1969*

- 5 This Act shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before 1st April 1969.

### SCHEDULE 5

Section 16(3).

#### REPEALS

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

**C122** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

Chapter	Short title	Extent of repeal
1968 c. 72.	Town and Country Planning Act 1968.	Section 30.  In section 104, in subsection (1) the definitions of “Act of 1946”, “prescribed” and “the principal Act”, and subsection (3). Schedule 3. Schedule 3A. In Schedule 10 paragraph 14.
1971 c. 18.	Land Commission (Dissolution) Act 1971.	In Schedule 2 paragraph 2 and Appendix A.
1973 c. 26.	Land Compensation Act 1973.	In section 58(1) the words “paragraph 10 of Schedule 3A to the Town and Country Planning Act 1968”.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In Schedule 27 paragraphs 1 to 8.

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**Changes to legislation:**

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