



# Compulsory Purchase (Vesting Declarations) Act 1981

## 1981 CHAPTER 66

### 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,

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“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.

- (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\(2\)\)](#)

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#### 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

(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)

**C1** 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](#))

**C2** 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)**

**C3** 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](#))

**C4** S. 4 excluded (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), arts. 1, **16(b)**

**C5** 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)

**C6** 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](#))

**C7** 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](#))

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- C8** 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)**
- C9** 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)**
- C10** 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.

### 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)

- C11** 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 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
  - if shorter, one year.

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- (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—
- (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),

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- (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.

#### 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)

**C12** 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.

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#### 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 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

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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 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.



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#### 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](#))

## 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.](#)

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## 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)

**C13** 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.
- (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)

**C14** 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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