



Compulsory Purchase (Vesting Declarations) Act 1981

1981 CHAPTER 66

PART III **E+W**

EFFECT OF DECLARATION

7 **Constructive notice to treat.** **E+W**

- (1) On the vesting date the provisions of—
 - (a) the ^{M1}Land Compensation Act 1961 (as modified by section 4 of the ^{M2}Acquisition of Land Act 1981) and
 - (b) the ^{M3}Compulsory Purchase Act 1965,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—
 - (i) any person entitled to an interest in the land in respect of which such a notice had actually been served before the vesting date, and
 - (ii) 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 ^{M4}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.

Status: Point in time view as at 28/02/2013.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Compulsory Purchase (Vesting Declarations) Act 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1 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

- M1 1961 c. 33.
 M2 1981 c. 67.
 M3 1965 c. 56.
 M4 1961 c. 33.

8 Vesting, and right to enter and take possession. **E+W**

- (1) On the vesting date the 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 as if—
 - (a) the circumstances in which under Part I of the ^{M5}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 ^{M6}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.

Marginal Citations

- M5 1965 c. 56.
 M6 1965 c. 56.

9 Minor tenancies and tenancies about to expire. **E+W**

- (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 14 days) 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.

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- (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.

Status:

Point in time view as at 28/02/2013.

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