

Status: Point in time view as at 30/12/2015.

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SCHEDULES

SCHEDULE 1

Section 8.

DIVIDED LAND

Modifications etc. (not altering text)

C1 Sch. 1 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 6 para. 11\(3\)\(b\)](#)

PART I

BUILDINGS AND GARDENS ETC.

Interpretation of Part I

- 1 In this Part of this Schedule—
- “notice of objection to severance” means a notice under paragraph 2(1) below,
- “land proposed to be severed” means land in respect of which notice of objection to severance is served.

Objection to severance

- 2 (1) If a general vesting declaration comprises part only of—
- (a) any house, building or factory, or
- (b) a park or garden belonging to a house,
- any person who is able to sell the whole of the house, building, factory, park or garden may by notice served on the acquiring authority require them to purchase his interest in the whole.
- (2) Except as provided by paragraph 10 below, a notice under this paragraph shall not have effect if it is served more than 28 days after the date on which notice under section 6 of this Act is served on the person giving notice under this paragraph.
- (3) Section 8(1) of the ^{M1}Compulsory Purchase Act 1965 (which makes other provision for objection to severance of buildings, gardens etc.) shall not apply to land in respect of which a general vesting declaration is made.

Marginal Citations

M1 1965 c. 56.

- 3 Where notice of objection to severance is served within the time allowed in accordance with paragraph 2(2) above then notwithstanding section 8 of this Act—

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- (a) the interest in respect of which the notice is served shall not vest in the acquiring authority, and
 - (b) if he is entitled to possession of the land, the acquiring authority shall not be entitled to enter upon or take possession of it,
- until the notice has been disposed of in accordance with the following provisions of this Schedule.

Response by acquiring authority to objection to severance

- 4 (1) Within 3 months after a person has served on an acquiring authority a notice of objection to severance, the authority shall either—
- (a) serve notice on him withdrawing the notice to treat deemed to have been served on him in respect of his interest in the land proposed to be severed, or
 - (b) serve notice on him that the general vesting declaration shall have effect, in relation to his interest in the land proposed to be severed, as if the whole of that land had been comprised in the declaration (and in the compulsory purchase order, if part only of that land was comprised in that order), or
 - (c) refer the notice of objection to severance to the [^{F1}Upper Tribunal] and notify him that it has been so referred.
- (2) Sub-paragraph (1)(a) above has effect notwithstanding section 7(3) of this Act.

Textual Amendments

F1 Words in [Sch. 1 para. 4\(1\)\(c\)](#) 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. 148](#) (with [Sch. 5](#))

- 5 If the acquiring authority do not take action in accordance with paragraph 4 above within the period allowed by that paragraph then at the end of that period they shall be deemed to have acted in accordance with sub-paragraph (1)(a) of that paragraph.
- 6 Where in accordance with paragraph 4 or paragraph 5 above the notice to treat deemed to have been served in respect of a person's interest in the land proposed to be severed is withdrawn, or is deemed to have been withdrawn—
- (a) that interest shall not vest in the acquiring authority by virtue of the general vesting declaration, and
 - (b) If he is entitled to possession of that land, the acquiring authority shall not be entitled by virtue of that declaration to enter upon or take possession of it.
- 7 Where an acquiring authority take action in accordance with paragraph 4(1)(b) above, the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that sub-paragraph, whether apart from this Part of this Schedule the acquiring authority could have been authorised to acquire the interest in question in the whole of the land proposed to be severed or not.
- 8 (1) Where in accordance with paragraph 4(1)(c) above an acquiring authority refer a notice of objection to severance to the [^{F2}Upper Tribunal] , and on that reference the Tribunal determines that the part of the land proposed to be severed which is comprised in the general vesting declaration can be taken—

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- (a) in the case of a house, building or factory, without material detriment, or
- (b) in the case of a park or garden, without seriously affecting the amenity or convenience of the house,

paragraph 3 above shall thereupon cease to have effect in relation to that notice.

- (2) In making a determination under this paragraph in any of the cases in sub-paragraph (1)(a) or (b) above the Tribunal shall take into account not only the effect of the severance but also the use to be made of the part proposed to be acquired and, in a case where the part 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 to be made of the other land.

Textual Amendments

- F2** Words in [Sch. 1 para. 8\(1\)](#) 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. 148](#) (with [Sch. 5](#))

- 9 (1) If on such a reference the [^{F3}Upper Tribunal] does not make a determination in accordance with paragraph 8 above, the Tribunal shall determine the area of that land (being the whole of it or a part of it which includes the part comprised in the general vesting declaration) which the acquiring authority ought to be required to take; and the general vesting declaration shall have effect, in relation to the interest in that area of the person who served the notice of objection to severance, as if the whole of that area had been comprised in the general vesting declaration, whether apart from this Part of this Schedule the acquiring authority could have been authorised to acquire that interest in the whole of that area or not.
- (2) Where sub-paragraph (1) above applies, and part of the area determined by the [^{F4}Upper Tribunal] was not comprised in the compulsory purchase order, the general vesting declaration shall have effect as mentioned in that sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.

Textual Amendments

- F3** Words in [Sch. 1 para. 9\(1\)](#) 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. 148](#) (with [Sch. 5](#))
- F4** Words in [Sch. 1 para. 9\(2\)](#) 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. 148](#) (with [Sch. 5](#))

Late service of notice of objection to severance

- 10 (1) Where in accordance with paragraph 2(1) above a person is entitled to serve a notice of objection to severance, and it is proved—
- (a) that he never received the notice required by section 6 of this Act to be served on him, or received that notice less than 28 days before, or on or after, the date on which the period specified in the general vesting declaration expired, and
 - (b) that a notice of objection to severance served by him was served not more than 28 days after the date on which he first had knowledge of the execution of the general vesting declaration,

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that notice shall have effect notwithstanding that it is served after the time allowed in accordance with paragraph 2(2) above has expired.

- (2) Where in the circumstances specified in sub-paragraph (1) above, a person serves a notice of objection to severance after the end of the period specified in the general vesting declaration,—
- (a) paragraphs 3 and 6 above shall not have effect in relation to that notice.
 - (b) paragraph 4 above shall have effect in relation to that notice as if sub-paragraph (1)(a) of that paragraph were omitted,
 - (c) paragraph 5 above shall have effect in relation to that notice with the substitution, for the words “sub-paragraph (1)(a)”, of the words “sub-paragraph (1)(b)”, and
 - (d) paragraph 8 above shall not have effect in relation to that notice, but without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

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 ^{M2}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 ^{M3}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 ^{M4}Compulsory Purchase Act 1965.

Marginal Citations

M2 1965 c. 56

M3 1965 c. 56.

M4 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 ^{M5}Compulsory Purchase Act 1965 shall have effect in relation thereto as if

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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

M5 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 ^{M6}Local Government, Planning and Land Act 1980 (subsection (4) of which provides that an order under 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)

C2 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

M6 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)

C3 Sch. 2 para. 3 modified by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 76(5), [Sch. 9 Pt. II para. 12\(2\)](#)

C4 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](#))

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- 4 (1) In Schedule 1, in paragraph 2(2) the reference to the date on which notice under section 6 is served on any person shall be treated as a reference to the date on which the order comes into force.
- (2) In Schedule 1, in paragraph 10—
 - (a) sub-paragraph (1)(a) shall be omitted, and
 - (b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which the order came into force.

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)

C5 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 **F5**

Textual Amendments

F5 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)

C6 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”.

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Modifications etc. (not altering text)

- C7** 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

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 ^{M7}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

- M7** 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.

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- (2) In this paragraph “predecessor authority” means—
- (a) where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred.
 - (b) where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the ^{M8}London Government Act 1963, the ^{M9}Local Government Act 1972 and the ^{M10}Water Act 1973), the authority from whom the function was transferred.

Marginal Citations

M8 1963 c. 33.

M9 1972 c. 70.

M10 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)

- C8** 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.

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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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