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SCHEDULES

[^{F1}SCHEDULE A1

Section 12

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

Textual Amendments

- F1** 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)

- C1** 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
- C2** 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
- C3** Sch. A1 excluded (19.12.2017) by [The Network Rail \(Buxton Sidings Extension\) Order 2017 \(S.I. 2017/1150\)](#), arts. 1, **22(3)** (with arts. 22(4), 32(2))
- C4** Sch. A1 excluded (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **29(3)(b)** (with arts. 4, 29(4), 37)
- C5** Sch. A1 excluded (4.1.2018) by [The Blackpool Tramway \(Blackpool North Extension\) Order 2017 \(S.I. 2017/1214\)](#), arts. 1, **30(3)(b)** (with arts. 30(4), 58, 59)
- C6** Sch. A1 excluded (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **21(4)(b)** (with arts. 24(8), 33(2))
- C7** Sch. A1 excluded (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), arts. 1(2), **27(4)(b)** (with art. 27(5))
- C8** Sch. A1 excluded (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), arts. 1, **22(3)(b)** (with arts. 22(4), 31(2))
- C9** Sch. A1 excluded (3.10.2018) by [The A19/A184 Testos Junction Alteration Development Consent Order 2018 \(S.I. 2018/994\)](#), arts. 1, **27** (with arts. 3(3), 5)
- C10** Sch. A1 excluded (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **26(3)(b)(4)** (with arts. 55, 56)
- C11** Sch. A1 excluded (3.4.2019) by [The Millbrook Gas Fired Generating Station Order 2019 \(S.I. 2019/578\)](#), arts. 1, **24(3)(b)** (with art. 24(4))
- C12** Sch. A1 excluded (10.10.2019) by [The Abergelli Power Gas Fired Generating Station Order 2019 \(S.I. 2019/1268\)](#), arts. 1, **25(3)(b)** (with art. 25(4))

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).

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- 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;
 - “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.

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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—
- (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—

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- (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.

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—
- (a) the specified land, and
 - (b) 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^{F2}(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

F2 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—
- (a) 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
 - (b) the vesting date in relation to the land proposed to be acquired has not passed, and
 - (c) the vesting date in relation to the specified land has not passed.

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- (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.]

SCHEDULE 1

Section 8.

DIVIDED LAND

Modifications etc. (not altering text)

- C13** Sch. 1 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 6 para. 11\(3\)\(b\)](#)
- C14** 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\(3\)](#))

^{F3}PART I

BUILDINGS AND GARDENS ETC.

Textual Amendments

- F3** 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](#))

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 ^{M1}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 ^{M2}Compulsory Purchase Act 1965 shall have effect as if the extinguishment had taken place under that section.

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- (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 ^{M3}Compulsory Purchase Act 1965.

Marginal Citations

- M1** 1965 c. 56
M2 1965 c. 56.
M3 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 ^{M4}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

- M4** 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 ^{M5}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)

- C15** 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

- M5** 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.

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(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)

- C16** Sch. 2 para. 3 modified by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 76(5), [Sch. 9 Pt. II para. 12\(2\)](#)
- C17** 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)

[^{F4} 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

- F4** 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)

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)

- C18** 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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F5

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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)

C19 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)

C20 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 ^{M6}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

M6 1978 c. 30.

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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—
- (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 ^{M7}London Government Act 1963, the ^{M8}Local Government Act 1972 and the ^{M9}Water Act 1973), the authority from whom the function was transferred.

Marginal Citations

M7 1963 c. 33.

M8 1972 c. 70.

M9 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.

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SCHEDULE 5

Section 16(3).

REPEALS

Modifications etc. (not altering text)

C21 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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