



# Acquisition of Land Act 1981

## 1981 CHAPTER 67

### PART I

#### GENERAL

#### 1 Application of Act.

- (1) In this Act “compulsory purchase” means a compulsory purchase of land, being—
- (a) a compulsory purchase to which this Act applies by virtue of any other enactment, whether or not passed or made before this Act, or
  - (b) a compulsory purchase under an enactment specified in subsection (2) below.
- (2) The enactments referred to in subsection (1)(b) above are—
- section 2 of the <sup>M1</sup>Metropolitan Police Act 1886,
  - section 1(3) of the <sup>M2</sup>Military Lands Act 1892,
  - sections 25(1) and 39(1) of the <sup>M3</sup>Small Holdings and Allotments Act 1908,
  - section 5(1) of the <sup>M4</sup>Development and Road Improvement Funds Act 1909 as it applies to acquisition by local authorities (as defined in section 7(1) of this Act) or the Secretary of State,
  - section 4 of the <sup>M5</sup>Small Holdings and Allotments Act 1926,
  - ... <sup>F1</sup>
  - [<sup>F2</sup>section 530(1) of the Education Act 1996],
  - ... <sup>F1</sup>
- (3) In this section “enactment” includes any statutory instrument.

#### Textual Amendments

- F1** Words repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F2** Words in s. 1(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), [Sch. 37 Pt. I para. 50](#) (with ss. 1(4))

*Status: Point in time view as at 21/12/2001.*

*Changes to legislation: Acquisition of Land Act 1981 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Marginal Citations

- M1** 1886 c. 22.
- M2** 1892 c. 43.
- M3** 1908 c. 36.
- M4** 1909 c. 47.
- M5** 1926 c. 52.

## *Compulsory purchase*

### 2 Procedure for authorisation.

- (1) The authorisation of a compulsory purchase shall be conferred by an order (in this Act called a “compulsory purchase order”).
- (2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister shall be made by that authority and submitted to and confirmed by the confirming authority in accordance with Part II of this Act.
- (3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with Schedule 1 to this Act.

### 3 Minerals.

Schedule 2 to this Act (exception of minerals from purchases etc.) shall have effect.

### 4 Assessment of compensation.

- (1) In relation to a compulsory purchase the <sup>M6</sup>Land Compensation Act 1961 shall have effect subject to the provisions of this section.
- (2) The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

### Modifications etc. (not altering text)

- C1** S. 4 applied (with modifications) by [Water Act 1989](#) (c. 15, SIF 130), s. 155(3)(4)(7), **Sch. 20 para. 6(1)(b)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C2** S. 4 applied by [Dartford-Thurrock Crossing Act 1988](#) (c. 20, SIF 59), ss. 2(2), 19, **Sch. 2 Pt. II para. 6**  
S. 4 applied (5.11.1993) by [1993 c. 42](#), s. 5, **Sch. 4 para. 4** (with s. 30(1), Sch. 2 para. 9).
- C3** S. 4 modified (13. 2. 1992) by [Severn Bridges Act 1992](#) (c. 3), s. 2(6), **Sch. 2 Pt. II para.5**  
S. 4 modified (28.7.1998) by [1998 c. iv](#), **s. 9** (with s. 41)
- C4** S. 4 applied (with modifications) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), ss. 167, 223(2), **Sch. 11 para. 6(1)(b)** (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)

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- S. 4 applied (with modifications) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 168, 225(2), [Sch. 19 para. 6\(1\)\(b\)](#) (with ss. 16(6), 179, 222(3), [Sch. 22 para. 1](#), [Sch. 23 para. 6](#))
- C5** S. 4 extended (18.12.1996) by 1996 c. 61, s. 4, [Sch. 4 Pt. III para. 16](#)
- C6** S. 4 applied (12.8.2002) by [The Channel Tunnel Rail Link \(Thames Tunnel Approach\) Order 2002 \(S.I. 2002/1943\)](#), [art. 7](#)

**Marginal Citations**

**M6** 1961 c. 33.

*Supplemental*

**5 Local inquiries.**

- (1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit.
- (2) Subsections (2) and (3) of section 250 of the <sup>M7</sup>Local Government Act 1972 (giving of evidence on inquiries) shall apply to a public local inquiry held in pursuance of this Act.
- (3) In relation to—
  - (a) a proposed acquisition of land by an authority other than a Minister, or
  - (b) the proposed extinction under Part VI of this Act of a right of way over land acquired or proposed to be acquired by an authority other than a Minister,subsections (4) and (5) of the said section 250 (defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act.

**Marginal Citations**

**M7** 1972 c. 70.

**6 Service of documents.**

- (1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section 7 of the <sup>M8</sup>Interpretation Act 1978 the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

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- (4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which it relates, and by delivering it to some person on the <sup>F3</sup>land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land].

#### Textual Amendments

- F3** Words in s. 6(4) substituted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para8; S.I. 1991/2067, [art.3](#).

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

- C7** S. 6 applied (13. 2. 1992) by [British Railways Act 1992 \(c. i\)](#), [s.17\(2\)](#).  
**C8** S. 6 applied (with modifications) (18.12.1996) by [1996 c. 61, s. 2, Sch. 2 paras. 6\(8\), 7\(8\)](#)  
 S. 6 applied (with modifications) (21.7.1994) by [1994 c. xi, s. 23\(2\)](#)(with s. 39)  
 S. 6 applied (with modifications) (21.7.1994) by [1994 c. xv, s. 22\(b\)](#)(with s. 47)

#### Marginal Citations

- M8** [1978 c. 30](#).

### Interpretation

## 7 Interpretation.

- (1) In this Act, except where the context otherwise requires—
- “acquiring authority”, in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,
- “compulsory purchase order” means an order under section 2(1) above,
- “confirming authority”, in relation to a compulsory purchase, means, where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,
- “land”—
- (a) includes messuages, tenements and hereditaments, and
- (b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,
- <sup>F4</sup>“local authority” means—
- [ a billing authority or a precepting authority, as defined in section 69 of the <sup>F5F6</sup>(a) Local Government Finance Act 1992;
- [ the London Fire and Emergency Planning Authority;]]
- <sup>F5</sup>(a1)
- (aa) <sup>F7</sup>. . . a combined fire authority, as defined in section 144 of the <sup>M9</sup>Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act;
- (c) a body as regards which section 75 of that Act applies;

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- (d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and
- (e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple,]

“National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the <sup>M10</sup>National Trust Act 1907,

“owner” in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years [<sup>F8</sup>and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative],

“prescribed”: see subsection (2) below.

[<sup>F9</sup>“universal service provider” has the same meaning as in the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act.]

- (2) Anything which, by Part II or III of this Act, or Schedule 1 or 3 of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

#### Subordinate Legislation Made

**P1** s. 7 power exercised by [S.I. 1982/6](#), 1990/613

#### Textual Amendments

**F4** Definition substituted by [S.I. 1990/776](#), [art. 8 Sch. 3 Pt. I para. 23](#)

**F5** S. 7(a1) inserted (3.7.2000) by [1999 c. 29](#), s. 328(8), [Sch. 29 Pt. I para. 34\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), [art. 4\(a\)\(h\)](#)

**F6** S. 7(1): in definition of “local authority” paras. (a)(aa) substituted (2.11.1992) for para. (a) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), [Sch. 13 para. 52](#); [S.I. 1992/2454](#), [art. 2](#)

**F7** Words in definition in s. 7(1) repealed (1.4.1995) by [1994 c. 29](#), s. 93, [Sch. 9 Pt. I](#); [S.I. 1994/3262](#), [art. 4, Sch.](#)

**F8** Words in s. 7 (definition of “owner”) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15 para. 9](#); [S.I. 1991/2067](#), [art. 3](#)

**F9** S. 7(1): definition of “universal service provider” inserted (26.3.2001 subject to art. 1(3) of the amending S.I.) by [S.I. 2001/1149](#), [arts. 1, 54\(2\)](#)

#### Marginal Citations

**M9** [1988 c. 41](#).

**M10** [1907 c. cxxxvi](#)

## 8 Statutory undertakers.

- (1) In this Act, unless the context otherwise requires, “statutory undertakers” means—
  - (a) any person authorised by any enactment to construct, work or carry on—
    - (i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or
    - (ii) any dock, harbour, pier or lighthouse undertaking, or

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- (iii) any undertaking for the supply of . . . <sup>F10</sup>, . . . <sup>F11</sup>, [<sup>F12</sup>or hydraulic power], or
- (b) . . . . . <sup>F13</sup> the Civil Aviation Authority [<sup>F14</sup>or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)], or
- (c) [<sup>F15</sup>a universal service provider in connection with the provision of a universal postal service] . . . <sup>F16</sup>,
- and in this subsection “enactment” means any Act or any order or scheme made under or confirmed by an Act.
- [<sup>F17</sup>(1ZA) The undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaking for the purposes of this Act except to the extent that it is the person’s undertaking as licence holder; and references in this Act to the person’s undertaking shall be construed accordingly.]
- [<sup>F18</sup>(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]
- (2) . . . . . <sup>F19</sup>
- (3) In this Act “the appropriate Minister” means, in relation to any statutory undertakers, the Secretary of State.
- (4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

#### Textual Amendments

- F10** Word repealed by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(4), **Sch. 18**
- F11** Word repealed by [Gas Act 1986](#) (c. 44, SIF 44:1, 2), s. 67(4), **Sch. 9 Pt. I**
- F12** Words substituted by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 25 para. 65** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F13** Words repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F14** Words in s. 8(1)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. para 5(a)(i)**
- F15** Words in s. 8(1)(c) substituted (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, **arts. 1(3), 54(3)(a)**
- F16** Words repealed by [Telecommunications Act 1984](#) (c. 12, SIF 96), Sch. 4 para. 3(1), s. 109(1)(4)(6), **Sch. 5 para. 45** and Sch. 7 Pt. I
- F17** S. 8(1ZA) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. para. 5(a)(ii)**
- F18** S. 8(1A) inserted (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, **arts. 1(3), 54(3)(b)**
- F19** S. 8(2) repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

## 9 Land held inalienably.

For the removal of doubt it is hereby declared that any power conferred—

- (a) under this Act, or

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(b) by or under the Acquisition of Land (Authorisation Procedure) Act 1946, or any enactment passed before the commencement of that Act, to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

## PART II

### PURCHASES BY LOCAL AND OTHER AUTHORITIES

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

- C9** Parts II-IV applied (31.10.1994) by Opencast Coal Act 1958 c. 69, s. 16(4A) as substituted (31.10.1994) by 1994 c. 21, s. 52, Sch. 8 para. 14(5)(with s. 40(7)); S.I. 1994/2553, art. 2 Pt. II (ss. 10-15) restricted (E.) (4.1.2000) and (W.) (*prosp.*) by 1977 c. 49, Sch. 5A para. 19(3) (as inserted (E.) (4.1.2000) and (W.) (*prosp.*) by 1999 c. 8, ss. 2(2), 67(1), Sch. 1; S.I. 1999/2342, art. 2(3) (a), Sch. 2)

#### 10 Preliminary.

- (1) This Part of this Act has effect except where a Minister is the acquiring authority.
- (2) The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.
- (3) Before submitting the order to the confirming authority the acquiring authority shall comply with sections 11 and 12 below.

*Notices prior to submission of order to confirming authority*

#### 11 Notices in newspapers.

- (1) The acquiring authority shall in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.
- (2) The notice shall—
  - (a) state that the order has been made and is about to be submitted for confirmation,
  - (b) describe the land and state the purpose for which the land is required,
  - (c) name a place within the locality where a copy of the order and of the map referred to therein may be inspected, and
  - (d) specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the order can be made.

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## 12 Notices to owners, lessees and occupiers.

- (1) The acquiring authority shall serve on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form—
  - (a) stating the effect of the order,
  - (b) stating that it is about to be submitted for confirmation, and
  - (c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the order can be made.
- (2) For the purposes of this section an occupier being a statutory tenant within the meaning of the <sup>M11</sup>Rent Act 1977 or the <sup>M12</sup>Rent (Agriculture) Act 1976 [<sup>F20</sup>or a licensee under an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988] shall be deemed to be a tenant for a period less than a month.
- (3) Where under this section any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

In this subsection “ecclesiastical property” means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [<sup>F21</sup>or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976].

### Textual Amendments

**F20** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 32(1)**

**F21** Words in s. 12(3) added (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, **Sch. 15 para. 27**; S.I. 1991/2067, **art. 3**.

### Modifications etc. (not altering text)

**C10** S. 12 modified by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), s. **50(3)**

**C11** S. 12(2) and (3) applied (31.10.1994) by [1958 c. 69, s. 16\(7A\)](#) as inserted (31.10.1994) by [1994 c. 21, s. 52, Sch. 8 para. 14\(9\)](#) (with s. 40(7)); S.I. 1994/2553, **art. 2**

### Marginal Citations

**M11** 1977 c. 42.

**M12** 1976 c. 80.

## *Confirmation of order*

## 13 Confirmation of order.

- (1) If no objection is duly made by any such owner, lessee or occupier as is mentioned in section 12 above, or if all objections so made are withdrawn, the confirming authority, upon being satisfied that the proper notices have been published and served, may, if the confirming authority thinks fit, confirm the order with or without modifications.



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- (2) If any objection duly made as aforesaid is not withdrawn, the confirming authority shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose, and, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may confirm the order either with or without modifications.
- (3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the confirming authority shall afford to the acquiring authority, and to any other persons to whom it appears to the confirming authority expedient to afford it, an opportunity of being heard on the same occasion.
- (4) Notwithstanding anything in subsection (2) or (3) above, the confirming authority may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this section if the confirming authority is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.
- (5) This section has effect subject to section 31 below (joint confirmation by confirming authority and appropriate Minister).

#### **14 Land not originally included in order.**

The order as confirmed by the confirming authority shall not, unless all persons interested consent, authorise the acquiring authority to purchase compulsorily any land which the order would not have authorised that authority to purchase compulsorily if it had been confirmed without modification.

#### **15 Notices after confirmation of order.**

As soon as may be after the order has been confirmed the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form—

- (a) describing the land,
- (b) stating that the order has been confirmed, and
- (c) naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected at all reasonable hours.

and shall serve a like notice, and a copy of the order as confirmed, on any person on whom notices with respect to the land were required to be served under section 12 above.

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

**C12** S. 15 modified by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 78(1), [Sch. 10 Pt. I para. 2\(2\)](#)

**C13** S. 15 modified (10.11.1993) by [1993 c. 28, s. 169](#), [Sch. 20 para. 2\(2\)](#); S.I. 1993/2762, [art. 3](#).

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## PART III

### SPECIAL KINDS OF LAND

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

- C14** Pt. III (ss. 16–22) applied (with modifications) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 155(3)(4)(7), [Sch. 20 para. 6\(1\)\(b\)\(c\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C15** Part III applied (with modifications) (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), ss. 167, 223(2), [Sch. 11 para. 6\(1\)\(b\)](#) (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)  
Part III applied (with modifications) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 168, 225(2), [Sch. 19 para. 6\(1\)\(b\)](#) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)  
Parts II-IV applied (31.10.1994) by [Opencast Coal Act 1958 c. 69, s. 16\(4A\)](#) as substituted (31.10.1994) by [1994 c. 21, s. 52, Sch. 8 para. 14\(5\)](#); S.I. 1994/2553, [art. 2](#)

#### 16 Statutory undertakers' land excluded from compulsory purchase.

- (1) This section applies where the land comprised in a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied that—
- any of the said land is used for the purposes of the carrying on of their undertaking, or
  - an interest in any of the said land is held for those purposes [and the representation is not withdrawn].
- [<sup>F22</sup>and the representation is not withdrawn.]
- (2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
  - that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,
- and certifies accordingly.
- [<sup>F23</sup>(3) In the preceding provisions of this section “statutory undertakers” include—
- a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990; <sup>F24</sup> . . .
  - a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act 1978;
- [<sup>F25</sup>and
- a Primary Care Trust established under section 16A of the National Health Service Act 1977;]

but in relation to a health service body, as so defined, any reference in those provisions to land acquired or available for acquisition by the statutory undertakers shall be

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construed as a reference to land acquired or available for acquisition by the Secretary of State for use or occupation by that body]

#### Textual Amendments

- F22** Words in s. 16(1) added (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15, para. 10\(1\)](#); [S.I. 1991/2067](#), [art. 3](#).
- F23** S. 16(3) added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), [Sch. 8 Pt. II para. 8\(1\)](#)
- F24** S. 16(3): the word preceding para. (a) repealed (8.2.2000) by [S.I. 2000/90](#), [art. 3\(1\)](#), [Sch. 1](#)
- F25** S. 16(3)(c) and word immediately preceding it inserted (8.2.2000) by [S.I. 2000/90](#), [art. 3\(1\)](#), [Sch. 1](#)

#### *Orders subject to special parliamentary procedure*

### 17 Local authority and statutory undertakers' land.

- (1) This section applies to land which—
- is the property of a local authority, or
  - has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

- (2) Subject to subsection (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to the order has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

[<sup>F26</sup>(2A) Subsection (3) of section 16 above applies in relation to subsections (1) and (2) above as it applies in relation to the preceding provisions of that section.]

- (3) Subsection (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in subsection (4) below) [<sup>F27</sup>a National Park authority], [<sup>F28</sup>an urban development corporation][<sup>F29</sup>, the Welsh Development Agency], . . . [<sup>F30</sup>. . .], [<sup>F31</sup>a Welsh planning board,] any statutory undertakers or a Minister.

- (4) In subsection (3) above—

“local authority” means—

- in relation to England, the council of a county or district [<sup>F32</sup>the Broads Authority], the council of a London borough, the Common Council of the City of London [<sup>F33</sup>, [<sup>F34</sup>the London Fire and Emergency Planning Authority,] a police authority established under [<sup>F35</sup>section 3 of the Police Act 1996][<sup>F36</sup>, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service][<sup>F37</sup>. . . [<sup>F38</sup> and a joint authority established by Part IV of the Local Government Act 1985] . . . [<sup>F39</sup>,
- in relation to Wales, the council of a county or [<sup>F40</sup>county borough], [<sup>F41</sup>or a police authority established under [<sup>F35</sup>section 3 of the Police Act 1996][<sup>F36</sup>, the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service]

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and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

“statutory undertakers” includes—

- (a) <sup>F42</sup> .....
- (aa) [<sup>F43</sup>a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990, and]
- (ab) [<sup>F44</sup> .....
- (ac) the Schools Funding Council for Wales,]
- (ad) [<sup>F45</sup>a Primary Care Trust established under section 16A of the National Health Service Act 1977,]
- (b) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.
  - [<sup>F46</sup>“a Welsh planning board” means a board constituted under—
  - (a) section 2(1B) of the <sup>M13</sup>Town and Country Planning Act 1990; <sup>F47</sup>
  - (b) .....]

- (5) An order under paragraph (b) of the definition of “statutory undertakers” in subsection (4) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F26** S. 17(2A) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60(2), **Sch. 8 Pt. II para. 8(2)**
- F27** Words in s. 17(3) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 21(1)**(with Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F28** Words in s. 17(3) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 11; S.I. 1991/2067, **art. 3**.
- F29** Words in s. 17(3) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 17** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F30** Words in s. 17(3) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2**, **Sch.**
- F31** Words in s. 17(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(1)(a)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3**, **Sch.**
- F32** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 22**
- F33** S. 17(4): words in para. (a) in definition of “local authority” inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 55(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4**, **Sch.**
- F34** S. 17(4): words in the definition of “local authority” inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 34(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F35** S. 17(4): words in paras. (a)(b) in definition of “local authority” substituted (1.4.1996) by 1996 c. 16, ss. 103, 104(1)(2), **Sch. 7 Pt. I para. 1(2)(q)**
- F36** S. 17(4): words in para. (a)(b) in definition of “local authority” inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 43(a)**; S.I. 1997/2390, **art. 2**
- F37** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 60**
- F38** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237(2), **Sch. 13 Pt. I**
- F39** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F40** S. 17(4): words in para. (b) in definition of “local authority” substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 64(1)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3**, **Sch.**

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- F41** S. 17(4): words in para. (b) in definition of “local authority” inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 55(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4, Sch.**
- F42** S. 17(4): para. (a) in definition of “statutory undertaker” repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(1), Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F43** Paragraph (aa) inserted by **National Health Service and Community Care Act 1990** (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 23**
- F44** S. 17(4): paras. (ab)(ac) in definition of “statutory undertakers” inserted (1.11.1996) by 1995 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 51(2)**(with s. 1(4), **Sch. 39**) and paras. (ab) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1), Sch. 1**
- F45** S. 17(4): para. (ad) in the definition of “statutory undertakers” inserted (8.2.2000) by S.I. 2000/90, **art. 3(1), Sch. 1**
- F46** S. 17(4): definition of “a Welsh planning board” added (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(1)(b)**(with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 22(3)); S.I. 1996/396, **art. 3, Sch.**
- F47** S. 17(4): para. (b) and word “or” immediately preceding it in definition of “a Welsh planning board” repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117): S.I. 1996/2560, **art. 2, Sch.**

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

- C16** S. 17(3) modified by **Housing Act 1988** (c. 50, SIF 61), s. 78(1), **Sch. 10 Pt. I para. 3**  
S. 17(3) modified (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. I para. 3**; S.I. 1993/2762, **art. 3**.
- C17** S. 17(4) extended by S.I. 1985/1884, **art. 4(t)**

#### Marginal Citations

- M13** 1990 c. 8.

## 18 National Trust land.

- (1) This section applies to land belonging to the National Trust which is held by the Trust inalienably.
- (2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the National Trust and has not been withdrawn.
- (3) In this section “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the <sup>M14</sup>National Trust Act 1907 or section 8 of the <sup>M15</sup>National Trust Act 1939.

#### Marginal Citations

- M14** 1907 c. cxxxvi.  
**M15** 1939 c. lxxxvi.

## 19 Commons, open spaces etc.

- (1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

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- (a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or
- [<sup>F48</sup>(aa) that the land is being purchased in order to secure its preservation or improve its management]
- (b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and certifies accordingly.
- (2) Where it is proposed to give a certificate under this section, the Secretary of State shall [<sup>F49</sup>direct the acquiring authority to] give public notice of his intention so to do, and—
- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
- (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,
- the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.
- [<sup>F50</sup>(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.]
- (3) A compulsory purchase order may provide for—
- (a) vesting land given in exchange as mentioned in subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and
- (b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject [<sup>F51</sup>except where the Secretary of State has given a certificate under subsection (1)(aa) above.].
- (4) In this section—
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,
- “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

#### Textual Amendments

- F48** S. 19(1)(aa) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(1)(a); [S.I. 1991/2067](#), [art.3](#).
- F49** Words in s. 19(2) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(1)(b); [S.I. 1991/2067](#), [art. 3](#)
- F50** S. 19(2A) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15 para. 12\(1\)\(c\)](#); [S.I. 1991/2067](#), [art.3](#).

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**F51** Words in s. 19(3) added (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15](#), para. 12(1)(d); S.I. 1991/2067, [art.3](#).

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

**C18** S. 19 applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), s. 229(3)

**F52**<sup>20</sup> .....

**Textual Amendments**

**F52** S. 20 repealed (24.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), ss. 70, 84(6), [Sch. 15](#), para. 28, [Sch. 19](#), PartIII; S.I. 1991/2067, [art.3](#).

**21 Land within more than one provision in Part III.**

In the case of land falling within more than one of sections 17 to 20 above a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those sections.

*Supplemental*

**22 Notice of giving of certificate.**

As soon as may be after the giving of a certificate under this Part of this Act, the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.

**PART IV**

**VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES**

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

**C19** Parts II-IV applied (31.10.1994) by [Opencast Coal Act 1958 c. 69, s. 16\(4A\)](#) as substituted (31.10.1994) by [1994 c. 21, s. 52, Sch. 8 para. 14\(5\)](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)

**23 Grounds for application to High Court.**

- (1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in section 1(1) of this Act, he may make an application to the High Court.
- (2) If any person aggrieved by—
  - (a) a compulsory purchase order, or

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- (b) a certificate under Part III of, or Schedule 3 to, this Act, desires to question the validity thereof on the ground that any relevant requirement has not been complied with in relation to the order or certificate he may make an application to the High Court.
- (3) In subsection (2) above “relevant requirement” means—
- (a) any requirement of this Act, or of any regulation under section 7(2) above, or
  - (b) any requirement of the <sup>M16</sup>Tribunals and Inquiries Act [<sup>F53</sup>1992] or of any rules made, or having effect as if made, under that Act.
- (4) An application to the High Court under this section shall be made within six weeks—
- (a) in the case of a compulsory purchase order to which the <sup>M17</sup>Statutory Orders (Special Procedure) Act 1945 applies (and which is not excluded by section 27 below), from the date on which the order becomes operative under that Act,
  - (b) in the case of a compulsory purchase order to which the said Act of 1945 does not apply, from the date on which notice of the confirmation or making of the order is first published in accordance with this Act,
  - (c) in the case of a certificate, the date on which notice of the giving of the certificate is first published in accordance with this Act.

#### Textual Amendments

**F53** Word in s. 23(3)(b) substituted (1. 10. 1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para.14](#).

#### Marginal Citations

**M16** 1971 c. 62.

**M17** 1945 (9 & 10 Geo 6) c. 18.

## 24 Powers of the court.

- (1) On an application under section 23 above the court may by interim order suspend the operation of the compulsory purchase order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings.
- (2) If on the application the court is satisfied that—
- (a) the authorisation granted by the compulsory purchase order is not empowered to be granted under this Act or any such enactment as is mentioned in section 1(1) of this Act, or
  - (b) the interests of the applicant have been substantially prejudiced by any relevant requirement (as defined in section 23(3) above) not having been complied with,
- the court may quash the compulsory purchase order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

## 25 Restriction on other court proceedings.

Subject to the preceding provisions of this Part of this Act, a compulsory purchase order, or a certificate under Part III of, or Schedule 3 to, this Act, shall not, either before



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or after it has been confirmed, made or given, be questioned in any legal proceedings whatsoever.

## 26 Date of operation.

- (1) Subject to section 24 above, a compulsory purchase order, other than one to which the <sup>M18</sup>Statutory Orders (Special Procedure) Act 1945 applies, shall become operative on the date on which notice of the confirmation or making of the order is first published in accordance with this Act.
- (2) Subject to section 24 above, a certificate under Part III of, or Schedule 3 to, this Act shall become operative on the date on which notice of the giving of the certificate is first published in accordance with this Act.

### Marginal Citations

M18 1945 (9 & 10 Geo 6) c. 18.

## 27 Exclusion of orders confirmed by Act of Parliament.

This Part of this Act shall not apply to an order which is confirmed by Act of Parliament under section 6 of the <sup>M19</sup>Statutory Orders (Special Procedure) Act 1945.

### Marginal Citations

M19 1945 (9 & 10 Geo 6) c. 18.

## PART V

### PROCEDURE IN SPECIAL CASES

#### *Compulsory acquisition of rights over land*

## 28 Acquisition of rights over land by the creation of new rights.

Schedule 3 to this Act applies to the compulsory acquisition under this Act of rights over land by the creation of new rights by virtue of—

- (a) <sup>F54</sup>.....
- [<sup>F55</sup>(aa) section 21A of the <sup>M20</sup>Welsh Development Agency Act 1975,]
- (b) section 13(1) of the <sup>M21</sup>Local Government (Miscellaneous Provisions) Act 1976,
- [<sup>F56</sup>(c) .....
- (d) section 142(4) of the <sup>M22</sup>Local Government, Planning and Land Act 1980,
- (e) section 250 of the <sup>M23</sup>Highways Act 1980.
- [<sup>F57</sup>(f) section 34(3) of the Telecommunications Act 1984]
- [<sup>F58</sup>(g) paragraph 1 of Schedule 3 to the Gas Act 1986.]
- [<sup>F59</sup>(h) paragraph 1 of Schedule 3 to the Electricity Act 1989.]

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#### Textual Amendments

- F54** S. 28(a) repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 29**
- F55** S. 28(aa) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 18** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F56** S. 28(c) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1)); S.I. 1998/2244, **art. 4**
- F57** S. 28(f) added by Telecommunications Act 1984 (c. 12, SIF 96), Sch. 4 para. 80(1), **Sch. 5 para. 45**
- F58** S. 28(g) inserted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 29**
- F59** S. 28(h) inserted by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 28, Sch. 17 paras. 33, **35(1)**

#### Marginal Citations

- M20** 1975 c. 70.
- M21** 1976 c. 57.
- M22** 1980 c. 65.
- M23** 1980 c. 66.

## 29 Compulsory rights orders under Opencast Coal Act 1958.

- (1) This Act in its application to compulsory rights orders by section 4 of the <sup>M24</sup>Opencast Coal Act 1958 has effect subject to this section.
- (2) Parts II, III and IV of this Act shall apply as if in those provisions—
- any reference to a compulsory purchase order were a reference to a compulsory rights order,
  - any reference to the acquiring authority were a reference to [<sup>F60</sup>the Coal Authority] , and any reference to the confirming authority were a reference to the Secretary of State, and
  - any reference to authorising the compulsory purchase of land were a reference to operating so as to confer <sup>F61</sup>. . . temporary rights of occupation and use of land.
- (3) Any modifications of particular provisions of this Act which are specified in the following provisions of this section shall have effect, in relation to those provisions, in addition to the general modifications mentioned above.
- (4) Part II of this Act shall apply as if for section 12 there was substituted—

The acquiring authority shall—

- serve on all persons who at the time when notice of the order is first published under section 11 above are known to the acquiring authority to be persons directly concerned a notice in the prescribed form—
  - stating the effect of the order and that it is about to be submitted for confirmation, and
  - specifying the time (not being less than 21 days from service of the notice) within which, and the manner in which, objections thereto can be made, and

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- (b) affix conspicuously to some conspicuous object or objects on the land comprised in the order a notice or notices containing the particulars specified in paragraph (a)(i) and (ii) above.”
- (5) Section 13 of this Act shall apply as if for any reference to any owner, lessee or occupier there were substituted a reference to any person who, in relation to the order, is a person directly concerned.
- (6) Except where the Secretary of State is proceeding concurrently with respect to an application for [F62 opencast planning permission] and a compulsory rights order, the Secretary of State may disregard an objection to such an order if he is satisfied that it relates to the question whether [F62 opencast planning permission should be granted or should have been granted] and either—
- it relates exclusively to that question, or
  - in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation.

This subsection is without prejudice to the operation of section 13 of this Act.

[F63(6A) Part III of this Act shall apply as if section 17 were omitted.]

- (7) In section 19 of this Act—
- any reference to giving other land in exchange shall be construed as a reference to making other land available during the period for which the compulsory rights order is to have effect,
  - the provisions of the said section 19 as to the vesting of land, and as to its being made subject to the like rights, trusts and incidents as the land purchased, shall apply with the necessary modifications, and
  - subsection (3)(b) shall not apply.
- (8) Section 23 of this Act shall apply as if—
- in subsection (1) for the first reference to this Act there were substituted a reference to the M25 Opencast Coal Act 1958,
  - in subsection (3)(a) the reference to this Act included a reference to that Act.
- (9) The date on which the compulsory rights order becomes operative shall be that mentioned in section 26(1) of this Act or such later date (not being more than one year after confirmation of the order) as may be determined by the Secretary of State and specified in the order as confirmed.
- (10) In the application of this Act to compulsory rights orders “prescribed” means prescribed by regulations under the M26 Opencast Coal Act 1958.
- [F64(11) In this section “opencast planning permission” and “persons directly concerned” have the same meanings as in the Opencast Coal Act 1958.]

#### Textual Amendments

**F60** Words in s. 29(2)(b) substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(2)(a)(i)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

**F61** Words in s. 29(2)(c) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(2)(a)(ii)**, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**

**F62** Words substituted by **Housing and Planning Act 1986 (c. 63, SIF 61)**, s. 39(3), **Sch. 8 Pt. II para. 18(a)**

*Status: Point in time view as at 21/12/2001.*

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- F63** S. 29(6A) inserted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(2)(b)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F64** S. 29(11) substituted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 39(3), **Sch. 8 Pt. II para. 18(b)**

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

- C20** S. 29 applied (with modifications) (31.10.1994) by Opencast Coal Act 1958 c. 69 s. 16(4A) (as substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 14(5)**; S.I. 1994/2553, **art. 2**)

**Marginal Citations**

- M24** 1958 c. 69.  
**M25** 1958 c. 69.  
**M26** 1958 c. 69.

**30 Acquisition of rights in connection with underground storage of gas.**

- (1) Subject to this section, in relation to the compulsory purchase—
- (a) of a right to store gas in an underground gas storage under section 12(1) of the <sup>M27</sup>Gas Act 1965, or
  - (b) of any right under subsections (2) or (3) of section 13 of that Act,
- this Act, the enactments incorporated therewith and the <sup>M28</sup>Compulsory Purchase Act 1965 shall have effect as if—
- (i) references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the stratum of land constituting the underground gas storage or, as the case may be, the land comprising the well, borehole or shaft, and
  - (ii) references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the right.
- (2) In relation to the compulsory purchase of a right to store gas in an underground gas storage under section 12(1) of the <sup>M29</sup>Gas Act 1965 this Act shall have effect—
- (a) as if in sections 16 to 18 of this Act references to the land comprised in the compulsory purchase order included references to any land held with the stratum of land constituting the underground gas storage,
  - (b) as if sections 19 and 20 of this Act were omitted.
- (3) Section 28 above and Schedule 3 to this Act shall not apply to a compulsory purchase to which this section applies.

**Marginal Citations**

- M27** 1965 c. 36.  
**M28** 1965 c. 56.  
**M29** 1965 c. 36.

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### *Statutory undertakers' land*

## **31 Acquisition under certain Acts of statutory undertakers' land without a certificate.**

(1) This section applies to a compulsory purchase order under—

(a) [<sup>F65</sup>the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990],

<sup>F66</sup>(b) .....

(c) section 142 or 143 of the [<sup>F67</sup>Local Government, Planning and Land Act]1980 (acquisition by urban development corporation), [<sup>F68</sup>or

(d) section 21A of, and Schedule 4 to, the <sup>M30</sup>Welsh Development Agency Act 1975,]

being a compulsory purchase order authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.

[<sup>F69</sup>(2) Section 16(2) of, and paragraph 3(2) of Schedule 3 to, this Act shall not apply to an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it.]

(4) Where in accordance with this section a compulsory acquisition is effected under a compulsory purchase order confirmed or made without the appropriate Minister's certificate [<sup>F70</sup>sections 280 to 282 of the Town and Country Planning Act 1990] (measure of compensation) shall apply in accordance with [<sup>F70</sup>section 280(1)(c)] of that Act.

#### **Textual Amendments**

**F65** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 53\(2\)\(a\)](#)

**F66** S. 31(1)(b) repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. V](#) (ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2444, art. 4](#)

**F67** Words in s. 31(3)(c) substituted (1.10.1998) by [1998 c. 38, s. 135\(3\)](#) (with ss. 139(2), 143(2)); [S.I. 1998/2244, art. 4](#)

**F68** S. 31(1): Word “or” and para. (d) inserted (1.10.1998) by [1998 c. 38, s. 128, Sch. 14 Pt. II para. 19](#) (with ss. 139(2), 143(2)); [S.I. 1998/2244, art. 4](#)

**F69** S. 31(2) substituted (25.09.1991) for s. 31(2)(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\), s. 70, Sch. 15, para. 10\(2\); S.I. 1991/2067, art. 3.](#)

**F70** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 53\(2\)\(b\)](#)

#### **Marginal Citations**

**M30** [1975 c. 70.](#)

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## PART VI

### FOOTPATHS AND BRIDLEWAYS

#### 32 Power to extinguish certain public rights of way.

- (1) This section applies where land is acquired, or proposed to be acquired—
  - (a) in pursuance of a compulsory purchase order, or
  - (b) by agreement for a purpose, and by an authority, such that the compulsory acquisition of the land could be authorised by a compulsory purchase order, and there subsists over any part of the land a public right of way, not being a right enjoyable by vehicular traffic.
- (2) If the acquiring authority is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required, the acquiring authority may by order extinguish the right of way; and Schedule 6 to the <sup>M31</sup>Highways Act 1980 shall have effect as to the making, confirmation, validity and date of operation of any such order.
- (3) If the acquiring authority is not the Secretary of State—
  - (a) the order under subsection (2) above shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the acquiring authority under paragraph 2(1)(b) of Schedule 6 to the <sup>M32</sup>Highways Act 1980 as applied by this section, and
  - (b) the Secretary of State shall not confirm the order unless satisfied that this section applies, and that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required.
- (4) The time specified in the order under subsection (2) above as the time from which the right of way is extinguished shall not be earlier than—
  - (a) confirmation of the order, or if the Secretary of State is the acquiring authority, the making of the order;
  - (b) if in the exercise of the power conferred by section 11(1) of the <sup>M33</sup>Compulsory Purchase Act 1965, or by agreement, the acquiring authority takes possession of the land, the date on which the authority takes possession of the land;
  - (c) if the acquiring authority does not take possession of the land in exercise of any such power, the date on which the acquisition of the land is completed.
- (5) Where a right of way is extinguished under this section at a date before the acquisition of the land is completed, then if at any time thereafter it appears to the acquiring authority that the proposal to acquire the land has been abandoned, the acquiring authority shall by order direct that the right shall revive, without prejudice, however, to the making of a new order extinguishing the right.
- (6) No order shall be made under subsection (2) above as respects a right of way over land on, over or under which there is any apparatus belonging to statutory undertakers unless the undertakers consent to the making of the order, and—
  - (a) the consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require, and
  - (b) the consent shall not be unreasonably refused.

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Any question arising under this subsection whether any requirement or refusal is reasonable shall be determined by the appropriate Minister.

- [<sup>F71</sup>(6A) In subsection (6) above the reference to apparatus belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system and in relation to any such apparatus—
- (a) the references to the undertakers shall have effect as references to the operator of the system in question; and
  - (b) the reference to the appropriate Minister shall have effect as a reference to the Secretary of State.]
- (7) This section shall not apply where [<sup>F72</sup>section 251 or 258 of the Town and Country Planning Act 1990] (extinction of public rights of way over land held for planning purposes) applies.
- (8) This section applies subject to any provision to the contrary in any other Act and subject in particular to the exclusion of this Part of this Act by—  
[<sup>F73</sup>[<sup>F74</sup>section 41 or 42 or 42A] of the Civil Aviation Act 1982],  
...  
<sup>F75</sup>
- (9) Except as provided in this section nothing in this Act shall be taken to authorise the extinction of any public right of way.

#### Textual Amendments

- F71** S. 32(6A) inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), Sch. 4 para. 80(2), **Sch. 5 para. 45**
- F72** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 53(3)**
- F73** Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **Sch. 15 para. 27**
- F74** Words in s. 32(8) substituted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 5(b)**
- F75** Entry repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**

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

- C21** S. 32 applied by [S.I. 1986/564](#), **art. 4(2)(b)**

#### Marginal Citations

- M31** 1980 c. 66.  
**M32** 1980 c. 66.  
**M33** 1965 c. 56.

### 33 Land acquired before commencement of this Act.

- (1) In section 32 above “compulsory purchase order” includes—
- (a) a compulsory purchase order under the <sup>M34</sup>Acquisition of Land (Authorisation Procedure) Act 1946, and
  - (b) an authorisation under section 2 of that Act (which was repealed by the <sup>M35</sup>Statute Law Revision Act 1953).
- (2) Section 32 above shall apply in relation to land acquired before the commencement of the said Act of 1946 by a local authority, being—

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- (a) land acquired compulsorily under any public general Act in force immediately before the commencement of the said Act of 1946 other than—
  - (i) the <sup>M36</sup>Light Railways Acts 1896 and <sup>M37</sup>1912,
  - (ii) Part III of the <sup>M38</sup>Housing Act 1936,
  - (iii) the <sup>M39</sup>Town and Country Planning Act 1944, or
- (b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

#### Marginal Citations

- M34** 1946 c. 49.
- M35** 1953 (2 & 3 Eliz. 2) c. 5.
- M36** 1896 c. 48.
- M37** 1912 c. 19.
- M38** 1936 c. 51.
- M39** 1944 c. 47.

## PART VII

### SUPPLEMENTAL

#### 34 Consequential amendments, transitionals and repeals.

- (1) The enactments specified in Schedule 4 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 5 to this Act shall have effect.
- (3) The enactments and instruments specified in Schedule 6 to this Act (of which those in Part II are spent) shall be repealed to the extent specified in the third column of that Schedule.

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

- C22** The text of s. 34(1)(3) and Schedule 6 (except the para. commencing “The repaeals”) 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.

#### 35 Short title, commencement and extent.

- (1) This Act may be cited as the Acquisition of Land Act 1981.
- (2) This Act shall come into force at the expiration of a period of three months beginning with the date on which it is passed.
- (3) This Act, except so far as Schedule 4 amends any enactment which extends to Scotland or Northern Ireland, extends to England and Wales only.



**Status:**

Point in time view as at 21/12/2001.

**Changes to legislation:**

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