



Acquisition of Land Act 1981

1981 CHAPTER 67

PART I

GENERAL

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,

[^{F1}“local authority” means—

^{F2}[a billing authority or a precepting authority, as defined in section 69 of the ^{F3}(a) Local Government Finance Act 1992;

[the London Fire and Emergency Planning Authority;]]

^{F3}(a1) (aa) ^{F4}[^{F5}. . . a combined fire authority, as defined in section 144 of the ^{M1}Local Government Finance Act 1988;]]^{F5}a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]

- (b) a levying body within the meaning of section 74 of [^{F6}that Act][^{F6}the Local Government Finance Act 1988] ;

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- (c) a body as regards which section 75 of that Act applies;
- (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 ^{M2}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 [^{F7}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.

[^{F8}“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.

- [^{F9}(3) But an instrument containing regulations made for the purposes of section 13A or paragraph 4A of Schedule 1 is subject to annulment in pursuance of a resolution of either House of Parliament.]

Subordinate Legislation Made

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

Textual Amendments

F1 Definition substituted by [S.I. 1990/776](#), [art. 8 Sch. 3 Pt. I para. 23](#)

F2 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](#)

F3 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\(a\)\(h\)](#)

F4 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.](#)

F5 Words in s. 7(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 53\(1\)\(2\)](#); [S.I. 2004/2304](#), [art. 2](#); [S.I. 2004/2917](#), [art. 2](#)

F6 Words in s. 7(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 53\(1\)\(3\)](#); [S.I. 2004/2304](#), [art. 2](#); [S.I. 2004/2917](#), [art. 2](#)

F7 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](#)

F8 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\(2\)](#)

F9 S. 7(3) added (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [s. 100\(3\)](#) (with [s. 100\(8\)](#)); [S.I. 2004/2097](#), [art. 2](#); [S.I. 2004/2593](#), [art. 2\(a\)](#)

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Marginal Citations

- M1 1988 c. 41.
M2 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
 - (iii) any undertaking for the supply of . . . ^{F10}, . . . ^{F11}, [^{F12}or hydraulic power], or
 - (b) . . . ^{F13} the Civil Aviation Authority [^{F14}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) [^{F15}a universal service provider in connection with the provision of a universal postal service] . . . ^{F16},
- and in this subsection “enactment” means any Act or any order or scheme made under or confirmed by an Act.

[^{F17}(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.]

[^{F18}(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) . . . ^{F19}

(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\(3\)\(a\)](#)

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- 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
- (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.

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