



# Acquisition of Land Act 1981

## 1981 CHAPTER 67

### PART IV

#### VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES

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

- C1** 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
  - (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>M1</sup>Tribunals and Inquiries Act [F<sup>1</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—

*Status: Point in time view as at 11/04/2024.*

*Changes to legislation: Acquisition of Land Act 1981, Part IV is up to date with all changes known to be in force on or before 02 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)*

- (a) in the case of a compulsory purchase order to which the <sup>M2</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

**F1** 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

**M1** 1971 c. 62.

**M2** 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.

[<sup>F2</sup>(3) If the court has power under subsection (2) to quash a compulsory purchase order it may instead quash the decision to confirm the order either generally or in so far as it affects any property of the applicant.]

#### Textual Amendments

**F2** S. 24(3) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), ss. 201, 216(3); S.I. 2016/733, reg. 3(k) (with reg. 8)

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

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## 26 Date of operation.

- (1) Subject to section 24 above, a compulsory purchase order, other than one to which the <sup>M3</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

**M3** 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 [<sup>F3</sup>4 or] 6 of the <sup>M4</sup>Statutory Orders (Special Procedure) Act 1945.

### Textual Amendments

**F3** Words in s. 27 inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 25(9), 35(1)**; [S.I. 2013/1488](#), **art. 3(e)** (with **art. 8(3)**)

### Marginal Citations

**M4** 1945 (9 & 10 Geo 6) c. 18.

**Status:**

Point in time view as at 11/04/2024.

**Changes to legislation:**

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