



Acquisition of Land Act 1981

1981 CHAPTER 67

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)^{F1}
- [^{F2}(aa) section 21A of the ^{M1}Welsh Development Agency Act 1975,]
- (b) section 13(1) of the ^{M2}Local Government (Miscellaneous Provisions) Act 1976,
- ^{F3}(c)
- (d) section 142(4) of the ^{M3}Local Government, Planning and Land Act 1980,
- (e) section 250 of the ^{M4}Highways Act 1980.
- ^{F4}(f)
- [^{F5}(g) paragraph 1 of Schedule 3 to the Gas Act 1986.]
- [^{F6}(h) paragraph 1 of Schedule 3 to the Electricity Act 1989.]
- [^{F7}(i) paragraph 3(3) of Schedule 4 to the Communications Act 2003.]

Textual Amendments

- F1** S. 28(a) repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1), [Sch. 7 para. 29](#)
- F2** 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](#)
- F3** S. 28(c) repealed (1.10.1998) by [1998 c. 38](#), s. 152, [Sch. 18 Pt.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](#)
- F4** S. 28(f) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/1900](#), arts.

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1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F5 S. 28(g) inserted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 29**

F6 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)**

F7 S. 28(i) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 58(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

Marginal Citations

M1 1975 c. 70.

M2 1976 c. 57.

M3 1980 c. 65.

M4 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 ^{M5}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—
 - (a) any reference to a compulsory purchase order were a reference to a compulsory rights order,
 - (b) any reference to the acquiring authority were a reference to [^{F8}the Coal Authority] , and any reference to the confirming authority were a reference to the Secretary of State, and
 - (c) any reference to authorising the compulsory purchase of land were a reference to operating so as to confer ^{F9}. . . 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—

- (a) 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—
 - (i) stating the effect of the order and that it is about to be submitted for confirmation, and
 - (ii) 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
- (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.”

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- (5) Section 13 of this Act shall apply as if for [F10the reference to a qualifying person for the purposes of section 12(2)] 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 [F11opencast 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 [F11opencast planning permission should be granted or should have been granted] and either—
- (a) it relates exclusively to that question, or
 - (b) 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.

[F12(6A) Part III of this Act shall apply as if section 17 were omitted.]

- (7) In section 19 of this Act—
- (a) 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,
 - (b) 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
 - (c) subsection (3)(b) shall not apply.
- (8) Section 23 of this Act shall apply as if—
- (a) in subsection (1) for the first reference to this Act there were substituted a reference to the M6Opencast Coal Act 1958,
 - (b) 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 M7Opencast Coal Act 1958.

[F13(11) In this section “opencast planning permission” and “persons directly concerned” have the same meanings as in the Opencast Coal Act 1958.]

Textual Amendments

- F8** 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**
- F9** 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**
- F10** Words in s. 29(5) substituted (31.10.2004) by **Planning and Compulsory Purchase Act 2004 (c. 5)**, **Sch. 7 para. 12** (with s. 111); S.I. 2004/2593, **art. 2(d)**
- F11** Words substituted by **Housing and Planning Act 1986 (c. 63, SIF 61)**, s. 39(3), **Sch. 8 Pt. II para. 18(a)**
- F12** 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**

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F13 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)

C1 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

M5 [1958 c. 69](#).

M6 [1958 c. 69](#).

M7 [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 ^{M8}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 ^{M9}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 ^{M10}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

M8 [1965 c. 36](#).

M9 [1965 c. 56](#).

M10 [1965 c. 36](#).

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—

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- (a) [^{F14}the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990],
- ^{F15}(b)
- (c) section 142 or 143 of the [^{F16}Local Government, Planning and Land Act]1980 (acquisition by urban development corporation),
- [^{F17}(ca) section 207(2) of the Localism Act 2011 (acquisition by Mayoral development corporation),] or [^{F18} or
- (d) section 21A of, and Schedule 4 to, the ^{M11}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.

^{F19}[(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 [^{F20}sections 280 to 282 of the Town and Country Planning Act 1990] (measure of compensation) shall apply in accordance with [^{F20}section 280(1)(c)] of that Act.

Textual Amendments

- F14** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 53(2)(a)**
- F15** 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**
- F16** 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**
- F17** S. 31(1)(ca) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(1), **Sch. 22 para. 7(3)**
- F18** 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**
- F19** 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**.
- F20** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 53(2)(b)**

Marginal Citations

- M11** 1975 c. 70.

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