

Status: Point in time view as at 11/04/2024.

Changes to legislation: Acquisition of Land Act 1981, Cross Heading: Making of order is up to date with all changes known to be in force on or before 25 June 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)

SCHEDULES

SCHEDULE 1

PURCHASES BY MINISTERS

Modifications etc. (not altering text)

- C1** Sch. 1 restricted by 1975 c. 70, Sch. 4 para. 1(2)(a) (as substituted (1.4.2006) by [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), arts. 1(2), 7, **Sch. 1 para. 33(1)** (with art. 3(1)))

Making of order

- 4 [F1(1) The Minister may make a compulsory purchase order with or without modifications if he is satisfied—
- (a) that the notice requirements have been complied with, and
 - (b) that one of the conditions in sub-paragraph (2) is satisfied.
- (2) The conditions are—
- (a) no relevant objection is made;
 - (b) every relevant objection made is either withdrawn or disregarded.
- (3) The appropriate authority may require every person who makes a relevant objection to state the grounds of the objection in writing.
- (4) If the appropriate authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.
- (5) The notice requirements are the requirements under paragraphs 2 and 3 to publish, affix and serve notices in connection with the compulsory purchase order.
- (6) A relevant objection is an objection by a person who is a qualifying person for the purposes of paragraph 3(2), but if such a person qualifies only by virtue of paragraph 3(2A)(b) and the Minister thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.
- (7) Disregarded means disregarded under sub-paragraph (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.
- (8) The appropriate authority is—
- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly,
 - (b) in any other case, the Minister.
- (9) Highway land acquisition powers must be construed in accordance with the Highways Act 1980.

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- (10) The planning Minister is the Secretary of State for the time being having general responsibility in planning matters.

Textual Amendments

F1 Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (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. 101(4)** (with [s. 101\(6\)](#)); [S.I. 2004/2097, art. 2](#); [S.I. 2004/2593, art. 2\(a\)](#)

- 4A (1) This paragraph applies to the making of a compulsory purchase order if a relevant objection is made which is neither—
- (a) withdrawn, nor
 - (b) disregarded,
- (a remaining objection).
- [The appropriate authority must cause a public local inquiry to be held if—
- F2(1A)** (a) the order is subject to special parliamentary procedure, or
- (b) in the case of an order to which section 16 applies, a certificate has been given under subsection (2) of that section.
- (1B) If sub-paragraph (1A) does not apply, the appropriate authority must either—
- (a) cause a public local inquiry to be held, or
 - (b) proceed under the representations procedure.
- (1C) In deciding between those options, the appropriate authority must have regard to the scale and complexity of what is proposed by the draft order.
- (1D) The representations procedure is a procedure to be prescribed.
- (1E) The regulations prescribing the procedure must include provision—
- (a) enabling each person who has made a remaining objection to make representations—
 - (i) in writing to the appropriate authority, or
 - (ii) if the person so requests, at a hearing, and
 - (b) enabling the Minister, and any other person the appropriate authority thinks appropriate, to make representations—
 - (i) in writing to the appropriate authority, or
 - (ii) if applicable, at a hearing held as mentioned in paragraph (a)(ii).
- (1F) The regulations may provide for hearings to be held by the appropriate authority or by a person appointed by the appropriate authority.
- (1G) In sub-paragraph (1E), “representations” means representations as to whether the order should be made.
- (1H) Before the Minister makes the order, the appropriate authority must consider—
- (a) each remaining objection;
 - (b) if a public local inquiry was held, the report of the person who held it;
 - (c) if the representations procedure was followed and the appropriate authority held a hearing, the representations made at the hearing;
 - (d) if the representations procedure was followed and a person appointed by the appropriate authority held a hearing, the report of that person;

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- (e) if the representations procedure was followed and written representations were made, those representations.
- (1I) The Minister may make the order with or without modifications.
- (1J) Regulations under sub-paragraph (1D) may include provision as to the giving of reasons for decisions taken by the appropriate authority in cases where the representations procedure is followed.]
- (9) Expressions used in this paragraph and in paragraph 4 must be construed in accordance with paragraph 4.

Textual Amendments

- F1** Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (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. 101\(4\)](#) (with [s. 101\(6\)](#)); [S.I. 2004/2097](#), art. 2; [S.I. 2004/2593](#), art. 2(a)
- F2** Sch. 1 para. 4A(1A)-(1J) substituted for Sch. 1 para. 4A(2)-(8) (31.3.2024 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [s. 255\(7\)](#), [Sch. 19 para. 2\(2\)](#) (with [s. 247](#)); [S.I. 2024/389](#), reg. 2(t)

- [(1) The Minister may make a compulsory purchase order conditionally.
- ^{F3}4AA (2) The effect of making an order conditionally is that the order—
 - (a) does not become operative until the Minister has decided, following consideration by the appropriate authority (see paragraph 4(8)), that certain conditions have been met, and
 - (b) expires if the Minister has not decided that by a certain time.
- (3) The conditions and the time are to be specified by the Minister when making the order.
- (4) The procedure to be followed in connection with the consideration and decision referred to in sub-paragraph (2)(a) is to be prescribed.
- (5) The prescribed procedure must include provision for each relevant objector—
 - (a) to be given notice that the appropriate authority is to consider whether the conditions have been met (or for steps to be taken with a view to notifying them), and
 - (b) to have the opportunity to make written representations relating to that consideration;and may include provision as to the giving of reasons for the decision by the Minister.
- (6) In sub-paragraph (5), “relevant objector” means a person who made an objection to the draft order that—
 - (a) was a remaining objection for the purposes of paragraph 4A, and
 - (b) had not been withdrawn by the time the order was made.]

Textual Amendments

- F1** Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (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. 101\(4\)](#) (with [s. 101\(6\)](#)); [S.I. 2004/2097](#), art. 2; [S.I. 2004/2593](#), art. 2(a)

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F3 Sch. 1 para. 4AA inserted (31.3.2024 for specified purposes) by [Levelling-up and Regeneration Act 2023](#) (c. 55), s. 255(7), [Sch. 19 para. 3\(2\)](#) (with s. 247); S.I. 2024/389, reg. 2(t)

- 4B (1) The Minister may make an order (with or without modifications) so far as it relates to part of the land comprised in the draft order (the “relevant part”) if each of the conditions in sub-paragraph (2) is met.
- (2) The conditions are—
- (a) the Minister or, if there is a remaining objection in respect of the order, the appropriate authority is satisfied that the order ought to be made so far as it relates to the relevant part but has not for the time being determined whether the order ought to be made so far as it relates to the remaining part;
 - (b) the Minister is satisfied that the notice requirements have been complied with.
- (3) If there is a remaining objection in respect of the order, the Minister may only act under sub-paragraph (1) after the appropriate authority has complied with paragraph [F44A(2) or (3)][F44A(1A) or (1B)] (as the case may be).
- (4) But he may act under sub-paragraph (1) without the appropriate authority having complied with those provisions if he is satisfied that all remaining objections relate solely to the remaining part of the land.
- (5) If the Minister acts under sub-paragraph (1)—
- (a) he must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;
 - (b) the order so far as it relates to each part of the land must be treated as a separate order.
- (6) The notices to be published, affixed and served under paragraph 6 must include a statement as to the effect of the direction given under sub-paragraph (5)(a).
- (7) Expressions used in this paragraph and in paragraph 4 or 4A must be construed in accordance with paragraph 4 or 4A (as the case may be).]

Textual Amendments

- F1** Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (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. 101(4) (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)
- F4** Words in Sch. 1 para. 4B(3) substituted (31.3.2024 for specified purposes) by [Levelling-up and Regeneration Act 2023](#) (c. 55), s. 255(7), [Sch. 19 para. 2\(3\)](#) (with s. 247); S.I. 2024/389, reg. 2(t)

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