

Status: Point in time view as at 29/10/2020.

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SCHEDULES

SCHEDULE 4

Section 34.

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of Schedule 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Translation of references to the Act of 1946

- 1 In the enactment specified in the Table below for “Acquisition of Land (Authorisation Procedure) Act 1946” or “said Act of 1946” substitute “Acquisition of Land Act 1981”.

TABLE

In the Metropolitan Police Act 1886 (c. 22)
section 4(11).

In the Small Holdings and Allotments Act 1908 (c. 36)
section 25(1).

F1

...

In the Fire Services Act 1947 (c. 41)
section 3(5).

In the Agriculture Act 1947 (c. 48)

F2

...

section 93(1)(b).

F3

...

F4

...

In the Coast Protection Act 1949 (c. 74)

section 14(1) and (3)

section 27(3) and (6).

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F5

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In the Prison Act 1952 (c. 52)

section 36(2).

[^{F6}In the Town Development Act 1952 (c. 54)]

[^{F6}section 6(4).]

In the Atomic Energy Authority Act 1954 (c. 32)

sections 5(1) and 9(3).

F7

...

In the Underground Works (London) Act 1956 (c. 59)

section 6(6).

F8

...

In the Caravan Sites and Control of Development Act 1960 (c. 62)

section 24(6).

In the Transport Act 1962 (c. 46)

section 15(1), (3) and (4).

F9

...

In the Agriculture Act 1967 (c. 22)

section 51(7).

F10

...

In the Leasehold Reform Act 1967 (c. 88)

paragraph 3(4) of Schedule 4.

F11

...

F12

...

section 55(1), (2) and (3).

F13

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F13

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F14

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In the Gas Act 1972 (c. 60)
paragraph 3(1) of Schedule 2.

In the Local Government Act 1972 (c. 70)
section 121(4)

F15

. . .

In the Slaughterhouses Act 1974 (c. 3)
section 30(2).

F16

. . .

F17

. . .

section 22(5).

F18

. . .

F18

. . .

F19

. . .

section 28(1).

In the Refuse Disposal (Amenity) Act 1978 (c. 3)
section 7.

In the Ancient Monuments and Archaeological Areas Act 1979 (c. 46)
section 10(2)
section 16(9).

Textual Amendments

- F1** Entry repealed by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **Sch. 4 Pt. I**
- F2** Entry in Sch. 4 para. 1 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2**
Group 1
- F3** Entry repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18**
- F4** Entry repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1, **Sch. 1 Pt. VII**
- F5** Entry repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), **Sch. 2**
- F6** Entry repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), **Sch. 12 Pt. II**
- F7** Entry repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), **Sch. 11**
- F8** Entry repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**
- F9** Entry 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)
- F10** Entry repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 14**
- F11** Entry repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

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- F12** Entry in Sch. 4 para. 1 Table repealed (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, art. 3(2), **Sch. 2**
- F13** Words in Sch. 4 para. 1 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(aa)
- F14** Entry repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF:123:1, 2), s. 3, **Sch. 1**
- F15** Words by Housing and Planning Act 1986 (c. 63, SIF 61), s. 49(2), **Sch. 12**, Pt. III
- F16** Entry repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**
- F17** Entry in Sch. 4 para. 1 Table repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. III** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F18** Entry in Sch. 4 para. 1 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3 Part I** (with Sch. 2 paras. 10, 14(1), 15)
- F19** Entry in Sch. 4 para. 1 Table repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

Land Settlement Facilities Act 1919 (c. 59)

- 2 (1) In section 2(1) of the Land Settlement Facilities Act 1919, as amended by Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946, for “paragraph (3) of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “ section 11(1) of the Compulsory Purchase Act 1965 ”.
- (2) This paragraph (like the said amendment by Schedule 4 to the said Act of 1946) shall not affect the application of the said section 2 in relation to the compulsory hiring of land or to an agreement to hire land.

Agriculture Act 1947 (c. 48)

F20₃

Textual Amendments
F20 Sch. 4 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

4 **F21**

Textual Amendments
F21 Sch. 4 para. 4 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)

5 **F22**

Textual Amendments
F22 Sch. 4 para. 5 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**

6 **F23**

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Textual Amendments

F23 Sch. 4 para. 6 repealed by Civil Aviation Act 1982 (c. 16, SIF 9), s. 109(3), Sch. 16

Coast Protection Act 1949 (c. 74)

- 7 (1) In section 14(2) of the Coast Protection Act 1949 for “paragraph 15 of the First Schedule to the said Act of 1946” substitute “ section 23(3) of the Acquisition of Land Act 1981 ”.
- (2) In section 14(3) of the said Act of 1949 for “paragraph 15 of the First Schedule thereto”, in the first place where those words occur, substitute “ section 23(3) thereof ”.

National Parks and Access to the Countryside Act 1949 (c. 97)

- 8 In section 103 of the National Parks and Access to the Countryside Act 1949 before subsection (2) insert—
- “(1A) The Acquisition of Land Act 1981 shall apply to the acquisition of land under this Act, and in relation to the acquisition under this Act of any interest in land the Compulsory Purchase Act 1965 shall apply with any necessary modifications”.

Housing Repairs and Rents Act 1954 (c. 53)

- 9 For section 50 of the Housing Repairs and Rents Act 1954 substitute—
- “50 Exclusion of statutory tenants from receipt of certain notices.**
- (1) This section applies for the purposes of—
- (a) paragraph 3(b) of Schedule 1 to the National Parks and Access to the Countryside Act 1949 (orders designating national parks and other orders), and
 - (b) any local enactment regulating the service of notices in respect of the proposed exercise of any powers in relation to land.
- (2) For those purposes an occupier who is a statutory tenant within the meaning of the Rent Act 1977 of the Rent (Agriculture) Act 1976 shall be deemed to be a tenant for a period less than a month.”

10 F24

Textual Amendments

F24 Sch. 4 para. 10 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

Opencast Coal Act 1958 (c. 69)

- 11 (1) The Opencast Coal Act 1958 shall be amended as follows.
- (2) Before subsection (5) of section 4 insert—

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“(4A) Parts II, III and IV of the Acquisition of Land Act 1981 shall apply to compulsory rights orders, subject to section 29 of that Act”.

(3) In section 4(7) after “Lands Clauses Acts” insert “ and the Compulsory Purchase Act 1965 ”.

(4) Before subsection (5) of section 16 insert—

“(4A) In relation to the compulsory purchase of a right by virtue of this section—

- (a) the Acquisition of Land Act 1981 shall apply, and
- (b) that Act and the Compulsory Purchase Act 1965 shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as reference to the land on which the works or pipes are to be placed, and references to the obtaining or taking possession of the first mentioned land were construed as references to the exercise of the right.”

(5) F25

(6) In paragraph 3(2) of Schedule 9 for “First Schedule to the Acquisition of Land Act or” substitute “ Acquisition of Land Act 1981 or Schedule 1 to ”.

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Textual Amendments
F25 Sch. 4 para. 11(5) repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 39(4), **Sch. 12 Pt. II**

12 F26

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Textual Amendments
F26 Sch. 4 para. 12 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](#))

Police Act 1964 (c. 48)^{F27F27}

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Textual Amendments
F27 Sch. 4 para. 13 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**

13

Compulsory Purchase Act 1965 (c. 56)

14 (1) The Compulsory Purchase Act 1965 shall be amended as follows.

(2) For section 1(1) substitute—

“1 (1) This Part of this Act shall apply in relation to any compulsory purchase to which Part II of the Acquisition of Land Act 1981, or Schedule 1 to that Act, applies, and in this Part of this Act—

- (a) “the Acquisition of Land Act” means that Act,

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- (b) “compulsory purchase order” has the same meaning as in that Act.”
- (3) In section 11(1)—
- (a) for “paragraph 3 of Schedule 1 to the Act of 1946” substitute “ section 12(3) of the Acquisition of Land Act ”,
- (b) for “section 8(1) of the Act of 1946” substitute “ section 7(1) of the Acquisition of Land Act ”.
- (4) For section 30 substitute—
- “**30** Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act.”
- (5) In section 31 for “paragraph 3 of Schedule 1 to the Act of 1946” substitute “ section 12(3) of the Acquisition of Land Act. ”
- (6) In section 32 for “Act of 1946” substitute “ Acquisition of Land (Authorisation of Procedure) Act 1946 ”.
- (7) In Part II, in sections . . . ^{F28}, . . . ^{F29}, 37(1), and 38(1) for “Act of 1946” substitute “Acquisition of Land Act 1981”
- (8) ^{F30}
- (9) In section 39(2) for “Act of 1946” substitute “ Acquisition of Land (Authorisation Procedure) Act 1946 ”.

Textual Amendments

- F28** 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)
- F29** Words repealed by *Housing (Consequential Provisions) Act 1985* (c. 71, SIF 61), **s. 3 Pt. I**
- F30** Sch. 4 para. 14(8) 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)

Agriculture Act 1967 (c. 22)

- 15 (1) The Agriculture Act of 1967 shall be amended as follows.
- (2) In section 50(7) for “Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “ Part IV of the Acquisition of Land Act 1981 ”.
- (3) In Schedule 5 before paragraph 7 insert—
- “6A (1) Part IV of the Acquisition of Land Act 1981 shall with the necessary modifications (and in particular with the substitution for references to that Act of references to this Act) apply in relation to an order made under this Schedule as the said Part IV applies in relation to compulsory purchase orders.
- (2) Section 6 of the Acquisition of Land Act 1981 shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the appropriate modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said section 6(4).
- ”

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- (3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to a public local inquiry held in pursuance of this Schedule as if the Minister there mentioned were the appropriate Minister”.

Leasehold Reform Act 1967 (c. 88)

- 16 (1) Schedule 4 to the Leasehold Reform Act 1967 shall be amended as follows.
- (2) In paragraph 4 for the words from “and the provisions” to the end of that paragraph substitute “ and the Acquisition of Land Act shall apply to a compulsory purchase under this paragraph ”.
- (3) For paragraph 5(2) ^{F31} . . . substitute—
- “(2) The Acquisition of Land Act 1981 shall apply to a compulsory purchase under this paragraph”.

Textual Amendments

F31 Words in *Sch. 4 para. 16(3)* repealed (1.10.1998) by *1998 c. 38, s. 152, Sch. 18 Pt. IV* (with *ss. 137(1), 139(2), 143(2)*); *S.I. 1998/2244, art. 4*

Countryside Act 1968 (c. 41)

- 17 (1) In the Countryside Act 1968 paragraph 3 of Schedule 2 shall be amended as follows.
- (2) In sub-paragraph (2) for “paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “ section 11 or 12 of the Acquisition of Land Act 1981 ”.
- (3) In sub-paragraph (3) for “paragraph 3 in the Act of 1946” substitute “ section 11 of the said Act of 1981 ”.
- (4) In sub-paragraph (4)(a) for “the said paragraph 3 in the Act of 1946” substitute “ section 11 or 12 of the said Act of 1981 ”.
- (5) In sub-paragraph (6) for “Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “ Section 19 of the Acquisition of Land Act 1981 ”.

Transport Act 1968 (c. 73)

- 18 (1) Section 10 of the Transport Act 1968 shall be amended as follows.
- (2) In subsection (3)—
- (a) for “Acquisition of Land (Authorisation Procedure) Act 1946” substitute “ Acquisition of Land Act 1981 ”.
- (b) except as it applies in Scotland, for the words from “apply as if” to the end of the subsection substitute “ apply to the compulsory purchase ”.
- (3) Substitute “ Acquisition of Land Act 1981 ”
- (a) for “said Act of 1946” in subsection (4), and

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(b) for “Acquisition of Land (Authorisation Procedure) Act 1946” in subsection (9)(a).

Courts Act 1971 (c. 23)

F32 19

Textual Amendments

F32 Sch. 4 para. 19 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

20 F33

Textual Amendments

F33 Sch. 4 para. 20 repealed by Civil Aviation Act 1982 (c. 16, SIF 9), s. 109(3), Sch. 16

21 F34

Textual Amendments

F34 Sch. 4 para. 21 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I

22 F35

Textual Amendments

F35 Sch. 4 para. 22 repealed by Industrial Development Act 1982 (c. 52, SIF 64), s. 19, Sch. 3

Gas Act 1972 (c. 60)

23 In Schedule 2 to the Gas Act 1972 for paragraph 4 substitute—

“4 The Acquisition of Land Act 1981 shall apply to a compulsory purchase by the Corporation of land or rights in England and Wales, subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 to that Act”.

24 F36

Textual Amendments

F36 Sch. 4 para. 24 repealed by Iron and Steel Act 1982 (c. 25, SIF 70), s. 38, Sch. 7

25 F37

Textual Amendments

F37 Sch. 4 para. 25 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. I

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Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

26 For subsection (5) of section 13 of the Local Government (Miscellaneous Provisions) Act 1976 substitute—

“(5) In this section “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981, and Schedule 3 to that Act shall apply to the compulsory purchase of rights by virtue of subsection (1) above.”

Development of Rural Wales Act 1976 (c. 75)^{F38F38}

Textual Amendments
F38 Sch. 4 para. 27 repealed (1.10.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. IV (with ss. 137(1), 139(2) and 143(2)); S.I. 1998/2244, art. 4

27

National Health Service Act 1977 (c. 49)

^{F39}28

Textual Amendments
F39 Sch. 4 para. 28 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

29 In Schedule 5 to the Ancient Monuments and Archaeological Areas Act 1979 at the end of the repeals add—

“1981 c. 65.	The Acquisition of Land Act 1981.	Section 20(1)(b).
		In Schedule 3 paragraph 7(1)(b).”

Local Government, Planning and Land Act 1980 (c. 65)

30 (1) The Local Government, Planning and Land Act 1980 shall be amended as follows.

^{F40}(2)

^{F40}(3)

(4) In section 120(1) for “Acquisition of Land Acts” substitute “ Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ” and for “local authority” substitute “ regional, islands or district council ”.

(5) In section 142 after subsection (2) insert—

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“(2A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land in pursuance of subsection (1) or (2) above”.

(6) In section 142(5) for “1946 Act” substitute “ 1981 Act, and Schedule 3 to that Act shall apply to the compulsory purchase of a right by virtue of subsection (4) above ”.

(7) In section 143 after subsection (3) insert—

“(3A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land under this section”.

(8) In section 144(2) for “1946 Act” substitute “ 1981 Act ”, and for “142(3) and 143(4)” substitute “ 142 and 143 ”.

(9) In section 171 for the definition of the “1946 Act” substitute—

““the 1981 Act” means the Acquisition of Land Act 1981”.

^{F40}(10)

^{F40}(11)

(12) In Schedule 28—

(a) in paragraph 1 for “1946” substitute “ 1981 ”.

(b) at the end of paragraph 1 add “ and in paragraph 2 below as it applies in England and Wales for “Part I of Schedule 1” and “paragraph 6 of Schedule 1” substitute respectively “section 2(2)” and “section 15” ”.

Textual Amendments

F40 Sch. 4 para. 30(2)(3)(10)(11) repealed (1.10.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. V (with ss. 137(1), 139(2) and 143(2)); S.I. 1998/2244, art. 4

Highways Act 1980 (c. 66)

31 (1) The Highways Act 1980 shall be amended as follows.

(2) In section 238(2) for “Act of 1946” substitute “ Acquisition of Land Act 1981 ”.

(3) In section 246(4)(a) for “paragraph 3(1)(a) of Schedule 1 to the Act of 1946” substitute “ section 11 of the Acquisition of Land Act 1981 ”.

(4) In section 247 for subsection (2) to (4) substitute—

“(2) The Acquisition of Land Act 1981 shall, subject to subsection (5) below, apply to the compulsory acquisition of land under any of the foregoing provisions of this Part of this Act”.

(5) In section 247(5) for the words from “section 1(2)” to “Schedule 1 to that Act” substitute “ Part III of the Acquisition of Land Act 1981 ”.

(6) After section 250(3) insert—

“(3A) Schedule 3 to the Acquisition of Land Act 1981 shall apply to the compulsory purchase of a right by virtue of this section”.

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- (7) In section 250(5) for paragraphs (a) and (b) substitute—
- “(a) Part II of Schedule 19 to this Act has effect for the adaptation of Part I of the Act of 1965 to cases of compulsory acquisition of rights”.
- (8) In section 254(1) (after paragraph (c), for the words from “notwithstanding” to “prevents” substitute “ nothing in Part III of, or Schedule 3 to, the Acquisition of Land Act 1981 shall prevent ”.
- (9) In section 254(6) for “Act of 1946” substitute “ Acquisition of Land Act 1981 ”.
- (10) In subsections (1), (2) and (4) of section 257 for “Schedule 1 to the Act of 1946” substitute “ Acquisition of Land Act 1981 ”.
- (11) In section 258(1) for “Schedule 1 to the Act of 1946” substitute “ Part II of, or Schedule 1 to, the Acquisition of Land Act 1981 ”.
- (12) In section 259(1)—
- (a) for “Part I of Schedule 1 to the Act of 1946” substitute “ Part II of the Acquisition of Land Act 1981 ”,
- (b) for “Part II of the Schedule” substitute “ Schedule 1 to that Act ”,
- (c) for “said Schedule 1” substitute “ Acquisition of Land Act 1981 ”.
- (13) In section 259(2) for the words from “paragraph 6” to “that Schedule” substitute “ section 15 of the Acquisition of Land Act 1981 or as the case may be paragraph 6 of Schedule 1 to that Act ”.
- (14) In section 322(5)(a) for “Schedule 1 to the Act of 1946” substitute “ Part II of, or Schedule 1 to, the Acquisition of Land Act 1981 ”.

Animal Health Act 1981 (c. 22)

- 32 At the end of section 55(2) of the Animal Health Act 1981 add “ and the Acquisition of Land Act 1981 shall apply to a compulsory purchase under this section by such a local authority ”.

New Towns Act 1981 (c. 64)

- 33 In section 72(2) of the New Towns Act 1981 for “section 6(3) of the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “ section 9 of the Acquisition of Land Act 1981 ”.

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