

Status: Point in time view as at 06/04/2019.

Changes to legislation: Acquisition of Land Act 1981, SCHEDULE 5 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)

SCHEDULES

SCHEDULE 5

Section 34.

TRANSITIONAL

References to old law to include new law

- 1 (1) This paragraph is without prejudice to section 17(2)(a) of the ^{M1}Interpretation Act 1978 as extended to the interpretation of subordinate legislation and instruments and documents by section 23(2) and (3) of that Act.
- (2) Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

Marginal Citations

M1 1978 c. 30.

References to new law to include old law

- 2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 4 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the circumstances or purposes in relation to which the corresponding provision in the enactments repealed by this Act has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purpose of, that corresponding provision.

Periods of time

- 3 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

Successor authorities

- 4 (1) Any reference in this Act (whether express or implied) to a thing done by a Minister, or by a local authority, under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done by a predecessor authority under the corresponding enactment repealed by this Act.
- (2) In this paragraph “predecessor authority” means—

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- (a) where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred,
- (b) where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the ^{M2}London Government Act 1963, the ^{M3}Local Government Act 1972 and the ^{M4}Water Act 1973) the authority from whom the function was transferred.

Marginal Citations

M2 1963 c. 33.
M3 1972 c. 70.
M4 1973 c. 37.

Construction of enactments applying the 1946 Act

- 5 Section 1(1)(a) of this Act includes in particular a compulsory purchase “in relation to” which this Act applies or has effect by virtue of any enactment in which this Act substitutes a reference to this Act for a reference to the ^{M5}Acquisition of Land (Authorisation Procedure) Act 1946.

Marginal Citations

M5 1946 c. 49.

Local authority and statutory undertakers land excluded from compulsory purchase

- 6 Section 17(3) and paragraph 4(3) of Schedule 3 above—
- (a) shall not apply where the notice of the making or preparation in draft of the compulsory purchase order was first duly published before 6th April 1976,
 - (b) shall have effect, in relation to the period before 13th November 1980, as if the persons there mentioned included a development corporation as defined in section 3(1) of the New Towns Act 1981 and a joint Board established (in England) under section 2 of the ^{M6}Community Land Act 1975.

Marginal Citations

M6 1975 c. 77.

Extinguishment of certain public rights of way

- 7 The repeal by this Act of section 3 of the ^{M7}Acquisition of Land (Authorisation Procedure) Act 1946 shall not affect any order under that section if—
- (a) it was made before 3rd August 1968, or
 - (b) a notice relating to the order was published pursuant to subsection (2) of the said section 3 before that date,
- and Part VI of this Act shall not apply to the order.

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M7 1946 c. 49.

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