



# Acquisition of Land Act 1981

## 1981 CHAPTER 67

### PART III

#### SPECIAL KINDS OF LAND

#### 16 Statutory undertakers' land excluded from compulsory purchase.

- (1) This section applies where the land comprised in a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied that—
- (a) any of the said land is used for the purposes of the carrying on of their undertaking, or
  - (b) an interest in any of the said land is held for those purposes.
- [<sup>F1</sup>and the representation is not withdrawn.].
- (2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- (a) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
  - (b) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,
- and certifies accordingly.
- [<sup>F2</sup>(3) In the preceding provisions of this section “statutory undertakers” include—
- (a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990; <sup>F3</sup> . . .
- [ <sup>F5</sup>NHS England];
- <sup>F4</sup>(aa)

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: Acquisition of Land Act 1981, Section 16 is up to date with all changes known to be in force on or before 11 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)*

- [<sup>F6</sup>(ab) an integrated care board established under section 14Z25 of the National Health Service Act 2006;]  
(b) a National Health Service trust established under [<sup>F7</sup>section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006] or the National Health Service (Scotland) Act 1978;

<sup>F8</sup>  
...

[ an NHS foundation trust;]

<sup>F9</sup>(ba)

<sup>F10</sup>(c)

[ a Local Health Board established under [<sup>F12</sup>section 11 of the National Health Service (Wales) Act 2006] ;]

<sup>F11</sup>(d)

but in relation to a health service body, as so defined, any reference in those provisions to land acquired or available for acquisition by the statutory undertakers shall be construed as a reference to land acquired or available for acquisition by the Secretary of State for use or occupation by that body]]

#### Textual Amendments

- F1** Words in s. 16(1) added (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15, para. 10\(1\)](#); S.I. 1991/2067, [art. 3](#).
- F2** S. 16(3) added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), [Sch. 8 Pt. II para. 8\(1\)](#)
- F3** S. 16(3): the word preceding para. (a) repealed (8.2.2000) by S.I. 2000/90, [art. 3\(1\)](#), [Sch. 1](#)
- F4** S. 16(3)(aa)(ab) inserted (1.10.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 22\(a\)](#); S.I. 2012/1831, [art. 2\(2\)](#)
- F5** Words in s. 16 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F6** S. 16(3)(ab) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 21](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F7** Words in s. 16(3)(b) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 60\(a\)](#) (with [Sch. 3 Pt. 1](#))
- F8** S. 16(3): word at the end of para. (b) repealed (10.10.2002 for W., 1.3.2007 in so far as not already in force) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 6(2), 42(3), [Sch. 5 para. 25](#), [Sch. 9 Pt. 1](#); S.I. 2002/2532, [art. 2](#), [Sch.](#); S.I. 2006/1407, [art. 1\(1\)](#), [Sch. 1 Pt. 2 para. 12](#)
- F9** S. 16(3)(ba) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 4 para. 48](#); S.I. 2004/759, [art. 2](#)
- F10** S. 16(3)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 22\(b\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))
- F11** S. 16(3)(d) and preceding word inserted (10.10.2002 for W., 1.3.2007 in so far as not already in force) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 6(2), 42(3), [Sch. 5 para. 25](#); S.I. 2002/2532, [art. 2](#), [Sch.](#); S.I. 2006/1407, [art. 1\(1\)](#), [Sch. 1 Pt. 2 para. 12](#)
- F12** Words in s. 16(3)(d) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 60\(c\)](#) (with [Sch. 3 Pt. 1](#))

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

- C1** S. 16 functions transferred (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), [arts. 1\(1\)](#), [18](#)

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