



# Acquisition of Land Act 1981

## 1981 CHAPTER 67

### PART III

#### SPECIAL KINDS OF LAND

##### *Orders subject to special parliamentary procedure*

#### **17 Local authority and statutory undertakers' land.**

- (1) This section applies to land which—
- is the property of a local authority, or
  - has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

- (2) Subject to subsection (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to the order has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

[<sup>F1</sup>(2A) Subsection (3) of section 16 above applies in relation to subsections (1) and (2) above as it applies in relation to the preceding provisions of that section.]

- (3) Subsection (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in subsection (4) below) [<sup>F2</sup>a National Park authority], [<sup>F3</sup>an urban development corporation]the Land Authority for Wales, the Peak Park Joint or Lake District Special Planning Board, [<sup>F4</sup>a Welsh planning board,] any statutory undertakers or a Minister.

- (4) In subsection (3) above—

“local authority” means—

- in relation to England, the council of a county or district [<sup>F5</sup>the Broads Authority], the council of a London borough, the Common Council of the City of London [<sup>F6</sup>, a police authority established under [<sup>F7</sup>section 3

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of the Police Act 1996]]<sup>F8</sup> . . . <sup>F9</sup> and a joint authority established by Part IV of the Local Government Act 1985] . . . <sup>F10</sup>,

- (b) in relation to Wales, the council of a county or [<sup>F11</sup>county borough], [<sup>F12</sup>or a police authority established under [<sup>F7</sup>section 3 of the Police Act 1996]]

and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

“statutory undertakers” includes—

- (a) <sup>F13</sup> . . . . .
- (aa) [<sup>F14</sup>a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990, and]
- (ab) [<sup>F15</sup>the Funding Agency for Schools,
- (ac) the Schools Funding Council for Wales,]
- (b) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.

[<sup>F16</sup>“a Welsh planning board” means a board constituted under—

- (a) section 2(1B) of the <sup>M1</sup>Town and Country Planning Act 1990; or
- (b) paragraph 3A of Schedule 17 to the <sup>M2</sup>Local Government Act 1972.]

- (5) An order under paragraph (b) of the definition of “statutory undertakers” in subsection (4) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 17(2A) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60(2), **Sch. 8 Pt. II para. 8(2)**
- F2** Words in s. 17(3) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 21(1)**(with Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F3** Words in s. 17(3) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15, para. 11**; S.I. 1991/2067, **art. 3**.
- F4** Words in s. 17(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(1)(a)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3, Sch.**
- F5** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 22**
- F6** S. 17(4): words in para. (a) in definition of “local authority” inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 55(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4, Sch.**
- F7** S. 17(4): words in paras. (a)(b) in definition of “local authority” substituted (1.4.1996) by 1996 c. 16, ss. 103, 104(1)(2), **Sch. 7 Pt. I para. 1(2)(q)**
- F8** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 60**
- F9** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237(2), **Sch. 13 Pt. I**
- F10** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F11** S. 17(4): words in para. (b) in definition of “local authority” substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 64(1)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3, Sch.**
- F12** S. 17(4): words in para. (b) in definition of “local authority” inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 55(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4, Sch.**
- F13** S. 17(4): para. (a) in definition of “statutory undertaker” repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 27(1), **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F14** Paragraph (aa) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 23**

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**F15** S. 17(4): paras. (ab)(ac) in definition of “statutory undertakers” inserted (1.11.1996) by 1995 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 51(2)**(with s. 1(4), Sch. 39)

**F16** S. 17(4): definition of “a Welsh planning board” added (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(1)(b)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch.**

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

**C1** S. 17(3) modified by **Housing Act 1988 (c. 50, SIF 61)**, s. 78(1), **Sch. 10 Pt. I para. 3**

S. 17(3) modified (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. I para. 3**; S.I. 1993/2762, **art. 3**.

**C2** S. 17(4) extended by S.I. 1985/1884, **art. 4(t)**

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**Marginal Citations**

**M1** 1990 c. 8.

**M2** 1972 c. 70.

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