



# 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—
  - (a) is the property of a local authority, or
  - (b) 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 [<sup>F1</sup>the compulsory purchase of the land] has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.
- [<sup>F2</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>F3</sup>a National Park authority], [<sup>F4</sup>an urban development corporation][<sup>F5</sup>, a Mayoral development corporation][<sup>F6</sup>, <sup>F7</sup>...], . . . <sup>F8</sup> . . . , [<sup>F9</sup>a Welsh planning board,] any statutory undertakers or a Minister.
- (4) In subsection (3) above—

“local authority” means—

  - (a) in relation to England, the council of a county or district [<sup>F10</sup>the Broads Authority], the council of a London borough, the Common Council of the City of London, [<sup>F11</sup>a fire and rescue authority created

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by an order under section 4A of the Fire and Rescue Services Act 2004,]<sup>F12</sup>the London Fire Commissioner,]<sup>F13</sup>.... . . .<sup>F14</sup> . . . .<sup>F15</sup>, a joint authority established by Part 4 of the Local Government Act 1985 [<sup>F16</sup> or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009],

- (b) in relation to Wales, the council of a county or [<sup>F17</sup>county borough], [<sup>F18</sup> or a police authority established under [<sup>F19</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>F20</sup> . . . . .
- (aa) [<sup>F21</sup>a National Health Service trust established under [<sup>F22</sup>section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006] , and]
- (aab) [<sup>F23</sup>an NHS foundation trust,]
- (ab) [<sup>F24</sup> . . . . .]
- (ac) the Schools Funding Council for Wales,]
- (ad) <sup>F25</sup> . . . . .
- (ae) [<sup>F26</sup>the National Health Service Commissioning Board,
- (af) a clinical commissioning group established under section 14D of the National Health Service Act 2006,]
- (b) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.
- [<sup>F27</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; <sup>F28</sup>
- (b) . . . . .]

- (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** Words in s. 17(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), ss. 25(7)(a), 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))
- F2** 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)**
- F3** 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**
- F4** 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**.
- F5** Words in s. 17(3) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 7(2)**
- F6** Words in s. 17(3) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 17** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F7** Words in s. 17(3) omitted (1.4.2006) by virtue of 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. 2 para. 9(1)** (with art. 3(1))
- F8** Words in s. 17(3) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, **art. 2**, **Sch.**

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- F9** 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.**
- F10** Words inserted by **Norfolk and Suffolk Broads Act 1988** (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 22**
- F11** Words in s. 17(4) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by **Policing and Crime Act 2017** (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 43**; S.I. 2017/399, reg. 2, Sch. para. 38
- F12** Words in s. 17(4) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by **Policing and Crime Act 2017** (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 64**; S.I. 2018/227, **reg. 4(c)**
- F13** Words in s. 17(4) omitted (22.11.2012) by virtue of **Police Reform and Social Responsibility Act 2011** (c. 13), s. 157(1), **Sch. 16 para. 143**; S.I. 2012/2892, art. 2(i)
- F14** Words inserted by **Local Government Act 1985** (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 60**
- F15** Words repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), s. 237(2), **Sch. 13 Pt. I**
- F16** Words in s. 17(4) substituted (26.5.2015) by **Deregulation Act 2015** (c. 20), s. 115(7), **Sch. 13 para. 6(15)**; S.I. 2015/994, art. 6(g)
- F17** 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.**
- F18** 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.**
- F19** 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)**
- F20** 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**
- F21** Paragraph (aa) inserted by **National Health Service and Community Care Act 1990** (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 23**
- F22** Words in s. 17(4) substituted (1.3.2007) by **National Health Service (Consequential Provisions) Act 2006** (c. 43), s. 8(2), **Sch. 1 para. 61(a)** (with Sch. 3 Pt. 1)
- F23** Words in s. 17(4) inserted (1.4.2004) by **Health and Social Care (Community Health and Standards) Act 2003** (c. 43), s. 199(1)(4), **Sch. 4 para. 49**; S.I. 2004/759, art. 2
- F24** 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) and para. (ab)(ac) repealed (1.9.1999 in relation to para. (ab)) by 1998 c. 31, ss. 140(3), 145(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F25** Words in s. 17(4) omitted (1.4.2013) by virtue of **Health and Social Care Act 2012** (c. 7), s. 306(4), **Sch. 5 para. 23(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** Words in s. 17(4) inserted (1.10.2012) by **Health and Social Care Act 2012** (c. 7), s. 306(4), **Sch. 5 para. 23(b)**; S.I. 2012/1831, art. 2(2)
- F27** 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.**
- F28** S. 17(4): para. (b) and word “or” immediately preceding it in definition of “a Welsh planning board” repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

#### 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)**

#### Marginal Citations

- M1** 1990 c. 8.

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