



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Acquisition for planning and public purposes

228 Compulsory acquisition of land by the [^{F1}Secretary of State for [^{F2}Housing, Communities and Local Government]].

- (1) The [^{F1}Secretary of State for [^{F3}Housing, Communities and Local Government]] may acquire compulsorily—
- (a) any land necessary for the public service; and
 - (b) any land which it is proposed to use not only for the public service but also—
 - (i) to meet the interests of proper planning of the area, or
 - (ii) to secure the best or most economic development or use of the land, otherwise than for the public service.

[^{F4}(1A) But subsection (1) does not permit the acquisition of any interest in Crown land unless—

- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
 - (b) the appropriate authority consents to the acquisition.]
- (2) Where the Secretary of State has acquired or proposes to acquire any land under subsection (1) (“the primary land”) and in his opinion other land ought to be acquired together with the primary land—
- (a) in the interests of the proper planning of the area concerned; or
 - (b) for the purpose of ensuring that the primary land can be used, or developed and used, (together with that other land) in what appears to him to be the best or most economic way; or

Status: Point in time view as at 30/01/2021. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 228 is up to date with all changes known to be in force on or before 03 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)

- (c) where the primary land or any land acquired, or which he proposes to acquire, by virtue of paragraph (a) or (b) of this subsection or of section 122(1)(a) or (b) of the Local^{M1} Government, Planning and Land Act 1980, forms part of a common, open space or fuel or field garden allotment, for the purpose of being given in exchange for that land,
 he may compulsorily acquire that other land.
- (3) Subject to subsection (4), the power of acquiring land compulsorily under this section shall include power to acquire an easement or other right over land by the grant of a new right.
- (4) Subsection (3) shall not apply to an easement or other right over any land which would for the purposes of the^{M2} Acquisition of Land Act 1981 form part of a common, open space or fuel or field garden allotment.
- (5) References in this section to the public service include the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become a member;
 - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
 - (c) of a foreign sovereign Power or the Government of such a Power.
- (6) For the purposes of subsection (5)(b) “treaty” includes any international agreement and any protocol or annex to a treaty or international agreement.
- (7) The Acquisition of Land Act 1981 shall apply to any compulsory acquisition by the Secretary of State for [^{F5}Housing, Communities and Local Government] under this section.
- [^{F6}(8) Crown land must be construed in accordance with Part 13.]

Textual Amendments

- F1** Words in s. 228 substituted (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), art. 9, **Sch. para. 3(2)**
- F2** Words in s. 228 heading substituted (11.4.2018) by The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378), art. 1(2), **Sch. para. 5(2)** (with art. 14)
- F3** Words in s. 228(1) substituted (11.4.2018) by The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378), art. 1(2), **Sch. para. 5(2)** (with art. 14)
- F4** S. 228(1A) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 4(2)** (with s. 111); S.I. 2006/1281, **art. 2**
- F5** Words in s. 228(7) substituted (11.4.2018) by The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378), art. 1(2), **Sch. para. 5(2)** (with art. 14)
- F6** S. 228(8) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 4(3)** (with s. 111); S.I. 2006/1281, **art. 2**

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Modifications etc. (not altering text)

- C1** S. 228: functions of the First Secretary of State transferred to the Secretary of State for Communities and Local Government (21.8.2006) by [The Secretary of State for Communities and Local Government Order 2006 \(S.I. 2006/1926\)](#), [art. 4\(1\)\(b\)](#)
- C2** S. 228(1) extended (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 50\(3\)](#), 148; S.I. 2009/1604, [art. 2](#)
- S. 228(1) extended (19.9.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 41\(3\)\(b\)](#), 148; S.I. 2007/2709, [art. 2\(a\)](#)

Marginal Citations

- M1** 1980 c. 65.
- M2** 1981 c.67.

Status:

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