



Housing and Planning Act 2016

2016 CHAPTER 22

PART 7

COMPULSORY PURCHASE ETC

Possession following notice to treat etc

186 Extended notice period for taking possession following notice to treat

- (1) The Compulsory Purchase Act 1965 is amended as follows.
- (2) In section 11 (powers of entry)—
 - (a) in subsection (1)—
 - (i) for “not less than fourteen days notice” substitute “ a notice of entry ”; and
 - (ii) after “specified in the notice” insert “ , after the end of a period specified in the notice ”;
 - (b) after subsection (1) insert—

“(1A) A notice of entry under subsection (1) must specify the period after the end of which the acquiring authority may enter on and take possession of the land to which the notice relates.

(1B) The period specified in a notice of entry under subsection (1) must not end earlier than the end of the period of 3 months beginning with the day on which the notice is served unless it is a notice to which section 11A(4) or paragraph 13 of Schedule 2A applies.”
- (3) After section 11 insert—

“11A Powers of entry: further notices of entry

- (1) This section applies where—

Status: Point in time view as at 03/02/2017.

Changes to legislation: Housing and Planning Act 2016, Section 186 is up to date with all changes known to be in force on or before 26 June 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)

- (a) an acquiring authority have given a notice of entry under section 11(1) but have not yet entered on and taken possession of the land, and
 - (b) the authority become aware of an owner, lessee or occupier (“the newly identified person”) to whom they ought to have given a notice to treat under section 5(1) but have not.
- (2) Any notice of entry already served under section 11(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified person—
- (a) a notice to treat under section 5(1), and
 - (b) a notice of entry under section 11(1).
- (3) Subsection (4) applies for the purpose of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person if—
- (a) the person is an occupier of the land and the authority were not aware of the person because they were given misleading information when carrying out inquiries under section 5(1), or
 - (b) the person is not an occupier of the land.
- (4) The period specified in the notice must be a period that ends—
- (a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and
 - (b) no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.”

Commencement Information

II S. 186 in force at 3.2.2017 by S.I. 2017/75, reg. 3(e) (with reg. 5)

Status:

Point in time view as at 03/02/2017.

Changes to legislation:

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