



Housing and Planning Act 2016

2016 CHAPTER 22

PART 7

COMPULSORY PURCHASE ETC

Power to override easements and other rights

205 Interpretation of sections 203 and 204

(1) In sections 203 and 204—

“building or maintenance work” means the erection, construction, carrying out or maintenance of any building or work;

[^{F1}“obligation under a conservation covenant” has the same meaning as in Part 7 of the Environment Act 2021;]

“other qualifying land” means land in England and Wales that has at any time before [^{F2}13 July 2016] been—

- (a) acquired by the National Assembly for Wales or the Welsh Ministers under section 21A of the Welsh Development Agency Act 1975;
- (b) vested in or acquired by an urban development corporation or a local highway authority for the purposes of Part 16 of the Local Government, Planning and Land Act 1980;
- (c) acquired by a development corporation or a local highway authority for the purposes of the New Towns Act 1981;
- (d) vested in or acquired by a housing action trust for the purposes of Part 3 of the Housing Act 1988;
- (e) acquired or appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990;
- (f) vested in or acquired by the Homes and Communities Agency, apart from land the freehold interest in which was disposed of by the Agency before 12 April 2015;
- (g) vested in or acquired by the Greater London Authority for the purposes of housing or regeneration, [^{F3}or vested in or acquired by a company or

Status: Point in time view as at 26/12/2023.

Changes to legislation: Housing and Planning Act 2016, Section 205 is up to date with all changes known to be in force on or before 21 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)

body through which the Greater London Authority exercises functions in relation to housing or regeneration,] apart from land the freehold interest in which was disposed of before 12 April 2015—

- (i) by the Authority, other than to a company or body through which it exercises functions in relation to housing or regeneration, or
 - (ii) by such a company or body;
- (h) vested in or acquired by a Mayoral development corporation (established under section 198(2) of the Localism Act 2011), apart from land the freehold interest in which was disposed of by the corporation before 12 April 2015;

“planning consent” means—

- (a) permission under [^{F4}Part 3 of the Town and Country Planning Act 1990 or section 293A of that Act][^{F4}Parts 3 or 13 of the Town and Country Planning Act 1990], or
- (b) development consent under the Planning Act 2008;

“protected right” means—

- (a) a right vested in, or belonging to, a statutory undertaker for the purpose of carrying on its statutory undertaking, or
- (b) a right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network (and expressions used in this paragraph have the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003);

“qualifying authority” in relation to other qualifying land means the [^{F5}person in whom the land was vested, or who] acquired or appropriated the land, as mentioned in the definition of “other qualifying land” [^{F6}(but, for the purposes of section 203(3)(c) and (6)(c), where that person is a company or body through which the Greater London Authority exercises functions in relation to housing or regeneration, the qualifying authority is the Greater London Authority)];

[^{F7}“relevant day” means—

- (a) in relation to a specified company which is a company or body through which Transport for London exercises any of its functions, 19th July 2017, and
- (b) in all other cases, 13 July 2016.]

“relevant right or interest” means any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land (including any natural right to support);

“specified authority” means—

- (a) a Minister of the Crown or the Welsh Ministers or a government department,
- (b) a local authority as defined by section 7 of the Acquisition of Land Act 1981,
- (c) a body established by or under an Act,
- (d) a body established by or under an Act or Measure of the National Assembly for Wales, or
- (e) a statutory undertaker;

[^{F8}“specified company” means—

Status: Point in time view as at 26/12/2023.

Changes to legislation: Housing and Planning Act 2016, Section 205 is up to date with all changes known to be in force on or before 21 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)

- (a) a company or body through which the Greater London Authority exercises functions in relation to housing or regeneration, or
- (b) a company or body through which Transport for London exercises any of its functions;]

“statutory undertaker” means—

- (a) a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990, or
- (b) a person in relation to whom the electronic communications code is applied by a direction under section 106(3)(a) of the Communications Act 2003;

“statutory undertaking” is to be read in accordance with section 262 of the Town and Country Planning Act 1990 (meaning of “statutory undertakers”).

- (2) The Secretary of State may by regulations amend the definition of “specified authority” in subsection (1).

Textual Amendments

- F1** Words in s. 205(1) inserted (30.9.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 20 para. 7** (with s. 144); [S.I. 2022/48](#), reg. 5(d)
- F2** Words in s. 205(1) substituted (13.7.2016) by [The Housing and Planning Act 2016 \(Commencement No.2, Transitional Provisions and Savings\) Regulations 2016 \(S.I. 2016/733\)](#), **reg. 12(4)**
- F3** Words in s. 205 inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 37(4)(a)**, 46(1); [S.I. 2017/767](#), reg. 2(i)
- F4** Words in s. 205(1) substituted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 11** (with s. 247)
- F5** Words in s. 205 substituted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 37(4)(b)(i)**, 46(1); [S.I. 2017/767](#), reg. 2(i)
- F6** Words in s. 205 inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 37(4)(b)(ii)**, 46(1); [S.I. 2017/767](#), reg. 2(i)
- F7** Words in s. 205 inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 37(4)(c)**, 46(1); [S.I. 2017/767](#), reg. 2(i) (as amended (19.7.2017) by [The Neighbourhood Planning Act 2017 \(Commencement No. 1\) Regulations 2017 \(S.I. 2017/767\)](#), **reg. 3**)
- F8** Words in s. 205 inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 37(4)(d)**, 46(1); [S.I. 2017/767](#), reg. 2(i)

Commencement Information

- I1** S. 205 in force at 13.7.2016 by [S.I. 2016/733](#), **reg. 3(m)**

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

Housing and Planning Act 2016, Section 205 is up to date with all changes known to be in force on or before 21 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.