



Acquisition of Land (Authorisation Procedure) Act 1946

1946 CHAPTER 49

1 Procedure for compulsory purchase of land by local authorities, and by the Minister of Transport for highway purposes.

- (1) The authorisation of any compulsory purchase of land—
- (a) by a local authority where, apart from this Act, power to authorise the authority to purchase land compulsorily is conferred by or under any enactment contained in a public general Act and in force immediately before the commencement of this Act, other than any enactment specified in subsection (4) of this section ;
 - (b) by the Minister of Transport under section eleven of the Development and Road Improvement Funds Act, 1909, or that section as applied by section three of the Roads Improvement Act, 1925, or under section thirteen of the Restriction of Ribbon Development Act, 1935 as applied by section four of the Trunk Roads Act, 1936, or by section five of the Trunk Roads Act, 1946,
- shall, subject to the provisions of this and the next following-section, be conferred by an order (in this Act referred to as a " compulsory purchase order ") in accordance with the provisions of the First Schedule to this Act (being provisions which, subject to certain adaptations, modifications and exceptions, correspond with provisions as to the authorisation of the compulsory purchase of land of the Local Government Act, 1933).
- (2) The purchase, in a case falling within the last foregoing subsection, of land—
- (a) which is the property of a local authority or which has been acquired by statutory undertakers for the purposes of their undertaking,
 - (b) forming part of a common, open space or fuel or field garden allotment, or held inalienably by the National Trust, or
 - (c) being, or being the site of, an ancient monument or other object of archaeological interest,
- shall be subject to the special provisions of Part III of the said First Schedule.

Status: This is the original version (as it was originally enacted).

- (3) In relation to any compulsory purchase to which the provisions of the First Schedule to this Act apply, the Lands Clauses Acts and other enactments mentioned in Parts I and II of the Second Schedule to this Act shall be incorporated in accordance with the provisions of the said Parts I and II ; and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect in relation to any such compulsory purchase subject to the provisions of Part III of that Schedule.
- (4) The enactments excepted from the operation of subsection (1) of this section are any enactment contained in—
- (a) the Light Railways Acts, 1896 and 1912 ;
 - (b) Part III of the Housing Act, 1936 ;
 - (c) the Town and Country Planning Act, 1944.
- (5) Nothing in this Act shall prevent the authorisation by special order or Provisional Order of the compulsory purchase of land under the Electricity (Supply) Acts, 1882 to 1936.
- (6) The Public Works Facilities Act, 1930, shall cease to have effect.