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STATUTORY INSTRUMENTS

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**2016 No. 863**

**The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016**

**PART 5**

**POWERS OF ACQUISITION**

**Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

- 24.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of Act) for subsection (2) substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other person authorised to acquire land by means of a compulsory purchase order.”
- (4) In section 3 (preliminary notices) for subsection (1) substitute—
- “(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—
- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”
- (5) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.
- (6) In that section, for subsections (5) and (6) substitute—
- “(5) For the purposes of this section, a person has a relevant interest in land if—
- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”
- (7) In section 5 (earliest date for execution of declaration)—
- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2).
- (8) In section 7 (constructive notice to treat) in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(9) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act to the compulsory acquisition of land under this Order.