

2017 No. 2

ACQUISITION OF LAND, ENGLAND AND WALES

**The Compulsory Purchase of Land (Prescribed Forms)
(Ministers) (Amendment) Regulations 2017**

Made - - - - 9th January 2017

Coming into force - - 3rd February 2017

The Secretary of State, in exercise of the powers conferred by sections 7(2) and 15(4)(e) and (f) and (5) of, and paragraph 6(4)(e) and (f) and (5) of Schedule 1 to, the Acquisition of Land Act 1981(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Compulsory Purchase of Land (Prescribed Forms) (Ministers) (Amendment) Regulations 2017 and come into force on 3rd February 2017.

(2) The amendments made by regulation 2(2) and (4) apply only in relation to a compulsory purchase order which is confirmed by a Minister or another authority, or made by a Minister, on or after 3rd February 2017.

Amendments to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

2.—(1) The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004(b) are amended as follows.

(2) In regulation 3 (prescribed forms in connection with compulsory purchase orders), after paragraph (d) insert—

“(da) for the purposes of section 15(4)(e) and paragraph 6(4)(e) of Schedule 1, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981(c) shall be Part 1 of Form 9A;

(db) for the purposes of section 15(4)(f) and paragraph 6(4)(f) of Schedule 1, the form for giving information to the authority shall be Part 2 of Form 9A;”.

(3) After regulation 3 (prescribed forms in connection with compulsory purchase orders) insert—

(a) 1981 c. 67; section 15(5) and paragraph 6(5) of Schedule 1 were inserted by sections 100(1) and (7) and 101(1) and (5) of the Planning and Compulsory Purchase Act 2004 (c. 5). Section 15(4)(e) and (f) of, and paragraph 6(4)(e) and (f) of Schedule 1 to, the Acquisition of Land Act 1981 were inserted by paragraphs 1, 2(1) and (2), and 3(1) and (2) of Schedule 15 to the Housing and Planning Act 2016 (c. 22). Some, but not all, of the functions of the Secretary of State in authorising the compulsory purchase of land in Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). These functions were subsequently transferred from the National Assembly for Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(b) S.I. 2004/ 2595.

(c) 1981 c. 66.

“Review

- 3A.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of regulation 3(da), (db) and (e) and the associated forms (Forms 9A, 10 and 11),
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by regulation 3(da), (db) and (e),
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) The first report under this regulation must be published before the end of the period of five years beginning with 3rd February 2017.
- (4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.
- (4) In the Schedule—
- (a) in the contents, after the entry for Form 9, insert—
“Form 9A Form of statement of effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 and for giving information to the authority.”
 - (b) after Form 9, insert the form in Part 1 of the Schedule to these Regulations;
 - (c) for Form 10, substitute the form in Part 2 of the Schedule to these Regulations;
 - (d) for Form 11, substitute the form in Part 3 of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State

9th January 2017

Department for Communities and Local Government

SCHEDULE

PART 1

Regulation 2(4)(b)

FORM 9A]

PART 1(a)

Regulation 3(da)

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY
PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once the order 20 (b) has become operative, the (hereinafter called) (c) may acquire any of the land described in Schedule 1 above (d) by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the (c) at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the (c) execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the [confirmation] [making] notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the (c) together with the right to enter on the land and take possession of it. Every person on whom the (c) could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.
3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that the (c) may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

PART 2(a)
FORM FOR GIVING INFORMATION

Regulation 3(db)

The Compulsory Purchase Order 20

To: (c)

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

1. Name and address of informant(s) (i)
 2. Land in which an interest is held by informant(s) (ii)
 3. Nature of interest (iii)
- Signed
- [on behalf of]
- Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

NOTES ON THE USE OF FORM 9A

- (a) *A confirmation notice of a compulsory purchase order under section 15 of the Acquisition of Land Act 1981 (or, in the case of a Ministerial order, a making notice under paragraph 6 of Schedule 1 to that Act) must :-*
- (i) contain a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (i.e. Part 1 of this Form); and*
 - (ii) invite any person who, if a general vesting declaration were executed under section 4 of that Act, would be entitled to claim compensation to give the acquiring authority information about the person's name, address and interest in land, using a prescribed form (i.e. Part 2 of this Form).*
- (b) *Insert the title of the order as made or confirmed.*
- (c) *Insert the name of the acquiring authority, and define them by an appropriate term. Thereafter rely on the definition wherever "(c)" appears in the text.*
- (d) *Schedule 1 to the confirmation notice (or, in the case of a Ministerial order, the making notice) of a compulsory purchase order will contain a description of all the land (and/or new rights (if any)) comprised in the order. Part 1 of this Form should be inserted as a subsequent Schedule to the confirmation notice (or, in the case of a Ministerial order, the making notice).*

PART 2

Regulation 2(4)(c)

**FORM OF NOTICE OF MAKING OR CONFIRMATION (OTHER THAN BY AN
ACQUIRING AUTHORITY) OF A COMPULSORY PURCHASE ORDER**

[THE () COMPULSORY PURCHASE ORDER] (a)

The [] Act (a)
and the Acquisition of Land Act 1981

[The [] Act(s) (a)]

1. Notice is hereby given that the [(b)], in exercise of [his][her][its] (c) powers under the above Acts, on [(d)][made][confirmed][with modifications] (c) [(e)] [submitted by the] [on behalf of the council of]] (c).

 2. The order as [made][confirmed] (c) provides for the purchase for the purposes of [(g)] of [the land][and][the new rights] (c) described in Schedule 1 hereto. [By a direction given under section (h) consideration of the order, so far as it relates to the land described in Schedule 2 hereto, has been postponed until .] (i)

 3. A copy of the order as [made][confirmed] (c) by the [(b)] and of the map referred to therein have been deposited at [(j)] and may be seen at all reasonable hours.

 4. (k) The order as [made][confirmed] (c) becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
- or*
4. The order as [made][confirmed] (c) is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a person aggrieved by the order may, by application to the High Court within 6 weeks from the operative date, challenge its validity under section 23 of the Acquisition of Land Act 1981.

The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

5. Once the order has become operative, [(f)] may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule [2] / [3] (c) below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the [(f)] at [(f)] about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule [3] / [4] (c) below.

SCHEDULE 1

[LAND][AND][THE NEW RIGHTS] (c) COMPRISED IN THE ORDER AS
[MADE][CONFIRMED] (c)

(m)

[SCHEDULE 2

LAND IN RESPECT OF WHICH CONSIDERATION HAS BEEN POSTPONED] (c)

(n)

SCHEDULE [2] / [3] (c)

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY
PURCHASE (VESTING DECLARATIONS) ACT 1981 (o)

SCHEDULE [3] / [4] (c)

FORM FOR GIVING INFORMATION (p)

[Date and signature]

NOTES ON THE USE OF FORM 10

- (a) *Insert the title, heading and any sub-heading as in the order as made or confirmed.*
- (b) *Insert the name of the confirming authority (or authorities) or if the order has been made by a Minister, the title of that Minister.*
- (c) *Delete material which is inapplicable.*
- (d) *Insert the date of the making (for a Ministerial order) or confirmation (in other cases) of the order.*
- (e) *Insert the title of the order.*
- (f) *Insert the name of the acquiring authority.*
- (g) *Insert the purpose as stated in the order.*
- (h) *Insert details of the relevant provision under which the direction postponing consideration has been given.*
- (i) *Insert the date until which consideration has been given.*
- (j) *The place of deposit must be "within the locality" (see section 11(2)(c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.*
- (k) *Use whichever alternative is appropriate.*
- (l) *Insert the address of the acquiring authority where the information should be sent.*
- (m) *Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.*
- (n) *Insert a description of the land (and/or new rights (if any)) comprised in the order in respect of which consideration has been postponed.*
- (o) *Insert Part 1 of Form 9A*
- (p) *Insert Part 2 of Form 9A*

PART 3

Regulation 2(4)(d)

**FORM OF NOTICE OF CONFIRMATION BY AN ACQUIRING AUTHORITY OF A
COMPULSORY PURCHASE ORDER**

[THE () COMPULSORY PURCHASE ORDER] (a)

The [] Act (a)
and the Acquisition of Land Act 1981

[The [] Act(s) (a)]

1. Notice is hereby given that the [(b)], in exercise of the powers of the confirming authority under the above Acts, on [(c)] confirmed [(d)] made by it [on behalf of the council of (e)]. No objections to the order were received within the permitted period and consequently notification was given by [(f)] that the power to confirm the order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.
2. The order as confirmed provides for the purchase for the purposes of [(g)] of [the land][and][the new rights] (h) described in Schedule 1.
3. A copy of the order as confirmed by the [(b)] and of the map referred to therein have been deposited at [(i)] and may be seen at all reasonable hours.
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order has become operative, [(b)] may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the [(b)] at [(j)] about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

[LAND][AND][THE NEW RIGHTS] (h) COMPRISED IN THE ORDER AS
CONFIRMED

(k)

SCHEDULE 2

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY
PURCHASE (VESTING DECLARATIONS) ACT 1981 (l)

SCHEDULE 3

FORM FOR GIVING INFORMATION (m)

[Date and signature]

NOTES ON THE USE OF FORM 11

- (a) *Insert the title, heading and any sub-heading as in the order as made or confirmed.*
- (b) *Insert the name of the acquiring authority.*
- (c) *Insert the date of the confirmation of the order.*
- (d) *Insert the title of the order.*
- (e) *If the acquisition is on behalf of another council, insert the name of that council. If not so acquiring, delete this material.*
- (f) *Insert the title of the Minister notifying the acquiring authority that it may exercise the power of confirmation.*
- (g) *Insert the purpose as stated in the order.*
- (h) *Delete the material which is inapplicable.*
- (i) *The place of deposit must be "within the locality" (see section 11(2)(c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.*
- (j) *Insert the address of the acquiring authority where the information should be sent.*
- (k) *Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.*
- (l) *Insert Part 1 of Form 9A.*
- (m) *Insert Part 2 of Form 9A.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 ("the 2004 Regulations") (S.I. 2004/2595) and come into force on 3rd February 2017.

Regulation 2(2) amends regulation 3 of the 2004 Regulations, to prescribe additional forms for the purposes of the Acquisition of Land Act 1981 (c. 67). For the purposes of section 15(4)(e) and (f) of, and paragraph 6(4)(e) and (f) of Schedule 1 to, that Act, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) shall be Part 1 of new Form 9A and the form for giving information to the acquiring authority shall be Part 2 of new Form 9A.

Regulation 2(3) inserts a new regulation 3A into the 2004 Regulations. It requires the Secretary of State to review the operation and effect of regulation 3(da), (db) and (e) (and the associated forms) in the 2004 Regulations and to publish a report within five years of 3rd February 2017 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether regulation 3(da), (db) and (e) should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke or to amend them.

Regulation 2(4)(b) inserts new Form 9A (in Part 1 of the Schedule to these Regulations) into the Schedule to the 2004 Regulations.

Regulation 2(4)(c) replaces Form 10 in the 2004 Regulations with a new version (contained in Part 2 of the Schedule to these Regulations).

Regulation 2(4)(d) replaces Form 11 in the 2004 Regulations with a new version (contained in Part 3 of the Schedule to these Regulations).

The amendments made by regulation 2(2) and (4) apply only in relation to a compulsory purchase order which is confirmed by a Minister or another authority, or made by a Minister, on or after 3rd February 2017.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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