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## STATUTORY INSTRUMENTS

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# 2021 No. 74

## The A1 Birtley to Coal House Development Consent Order 2021

### PART 5

#### POWERS OF ACQUISITION AND POSSESSION

##### Application of the 1981 Act

- 29.**—(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 body or person authorised to acquire land by means of a compulsory purchase order.”
- (4) Omit section 5 <sup>M1</sup> (earliest date for execution of declaration).
- (5) Omit section 5A <sup>M2</sup> (time limit for general vesting declaration).
- (6) In section 5B(1) <sup>M3</sup> (extension of time limit during challenge)—
- (a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “ section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent) ”; and
- (b) for “the three year period mentioned in section 5A” substitute “ the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A1 Birtley to Coal House Development Consent Order 2021 ”.
- (7) In section 6 <sup>M4</sup> (notices after execution of declaration) for subsection (1)(b) substitute—
- “(b) on every other person who has given information to the acquiring authority with respect to any of that land further to the invitation published and served under section 134 (notice of authorisation of compulsory acquisition) of the Planning Act 2008,”.
- (8) In section 7 <sup>M5</sup> (constructive notice to treat) in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (9) In Schedule A1 <sup>M6</sup> (counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).
- (10) 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 (and as modified by article 28 (modification of Part 1 of the 1965 Act) to the compulsory acquisition of land under this Order.

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##### Commencement Information

**II** Art. 29 in force at 9.2.2021, see [art. 1](#)

**Status:** Point in time view as at 09/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The A1 Birtley to Coal House Development Consent Order 2021, Section 29. (See end of Document for details)

### Marginal Citations

- M1** Section 5 was amended by paragraphs 4 and 6 of Schedule 15 to the [Housing and Planning Act 2016](#) (c. 22).
- M2** Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.
- M3** Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.
- M4** Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to, the [Planning \(Consequential Provisions\) Act 1990](#) (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.
- M5** Section 7(1) was substituted by Schedule 18 to the Housing and Planning Act 2016.
- M6** Schedule A1 was inserted by paragraph 6 of Part 1 of Schedule 18 to the Housing and Planning Act 2016.

**Status:**

Point in time view as at 09/02/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The A1 Birtley to Coal House Development Consent Order 2021, Section 29.