

2024 No. 477

**ACQUISITION OF LAND, ENGLAND**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Compulsory Purchase of Land (Vesting Declarations and Land Compensation Development Order) (England) (Amendment) Regulations 2024**

*Made* - - - - - *8th April 2024*  
*Laid before Parliament* *9th April 2024*  
*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(1)(a), 4(1) and 6(1) of the Compulsory Purchase (Vesting Declarations) Act 1981(b), section 20 of the Land Compensation Act 1961(c), and sections 59, 61(1) and 333(7) of the Town and Country Planning Act 1990(d).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Compulsory Purchase of Land (Vesting Declarations and Land Compensation Development Order) (England) (Amendment) Regulations 2024 and come into force on 30th April 2024, subject to paragraph (2).

(2) Regulation 3 comes into force on 31st January 2025.

(3) These Regulations extend to England and Wales.

**Amendments to the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017**

2.—(1) The Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017(e) are amended as follows.

(2) Omit regulation 4 (review).

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- (a) See the definition of “prescribed”. The function of the Secretary of State under section 2(1) to prescribe by regulations, so far as exercisable in relation to Wales, was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). This function was subsequently transferred from the National Assembly to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (b) 1981 c. 66. Section 4(1) was amended by section 184 of the Housing and Planning Act 2016 (c. 22). Section 6(1) was amended by section 183 of, and paragraphs 4 and 7 of Schedule 15 to, the Housing and Planning Act 2016.
- (c) 1961 c.33. Section 20 was amended by section 232(4) of, and Schedule 25 to the Localism Act 2011 (c.20) and is prospectively amended by section 189(6) of the Levelling-up and Regeneration Act 2023 (c. 55) as of 31st January 2025.
- (d) 1990 c. 8. Section 59 was amended by paragraph 4 of Schedule 1 of the Growth and Infrastructure Act 2013 (c. 27).
- (e) S.I. 2017/3.

- (3) In the Schedule—
- (a) for Form 1 (form of general vesting declaration) substitute the form in Part 1 of the Schedule to these Regulations;
  - (b) for Form 2 (form of notice specifying land and stating effect of general vesting declaration) substitute the form in Part 2 of the Schedule to these Regulations.

### **Amendments to the Land Compensation Development (England) Order 2012**

3.—(1) The Land Compensation Development (England) Order 2012(a) is amended as follows.

(2) For paragraph (3) of article 3 (application for and issue of certificates), substitute—

“(3) If a local planning authority—

- (a) issues a certificate—
  - (i) for development less extensive than described in the application made to them, or
  - (ii) contrary to representations in writing made to them by a party directly concerned, or
- (b) rejects an application for a certificate,

it shall provide a statement in writing of its reasons for doing so and give particulars of the manner in which, and the time within which, an appeal may be made under section 18.”.

### **Transitional provisions**

4.—(1) The amendments made by regulation 2(3) do not apply in relation to an acquisition where the date on which either—

- (a) notice of the making of the compulsory purchase order pursuant to section 11(1) of the Acquisition of Land Act 1981(b), or
- (b) notice of the preparation in draft of the order pursuant to paragraph 2(1) of Schedule 1(c) to the Acquisition of Land Act 1981,

is first published is before 30th April 2024.

(2) The amendments made by regulation 3 do not apply to an acquisition where the first relevant notification date is before 31st January 2025.

(3) In paragraph (2) “relevant notification date” means the date on which—

- (a) in the case of an acquisition authorised by a compulsory purchase order—
  - (i) notice of the making of the order, or
  - (ii) where the order was made by a Minister, notice of the preparation in draft of the order,

is first published or served,

- (b) in the case of an acquisition authorised by a special enactment, the special enactment was introduced to Parliament,
- (c) an offer in writing has been made by or on behalf of a relevant authority to negotiate for the purchase of an interest,

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(a) S.I. 2012/634.

(b) 1981 c. 67. Section 11(1) was amended by section 181(3) of the Levelling-up and Regeneration Act 2023 (c. 55).

(c) Paragraph 2(1) of Schedule 1 was amended by paragraph 1(3) of Schedule 19 to the Levelling-up and Regeneration Act 2023 (c. 55).

- (d) in the case of a notice served under any enactment requiring the purchase of an interest (other than as set out in sub-paragraphs (e) to (g) below), the relevant authority is deemed to have served a notice to treat in respect of that interest,
  - (e) in the case of an acquisition authorised by an order made under the Transport and Works Act 1992(a), notice of the application for such order was published under article 14 (publicity for application) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(b),
  - (f) in the case of an acquisition authorised by an order made under the Planning Act 2008(c), the applicant first gave notice of its application under section 56 (notifying persons of accepted application) of that Act, or
  - (g) in the case of an acquisition authorised by an order made under the Harbours Act 1964(d), notice of the application for such order was served under paragraph 11 of Schedule 3 (procedure for making harbour revision and empowerment orders) to that Act.
- (4) In paragraph (3)(b) “special enactment” means—
- (a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act, or
  - (b) a provision which—
    - (i) is contained in an Act other than a local or private Act, and
    - (ii) authorises the compulsory purchase of land specifically identified in that Act.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

8th April 2024

*Jacob Young*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and Communities

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(a) 1992 c. 42.  
(b) S.I. 2006/1466.  
(c) 2008 c. 29.  
(d) 1964 c. 40.

SCHEDULE  
SUBSTITUTED FORMS

Regulation 2(3)

PART 1

Form 1: Form of general vesting declaration

FORM 1  
FORM OF GENERAL VESTING DECLARATION

Regulation 3(2)(a)

This GENERAL VESTING DECLARATION is executed on the      day of      20  
by      (a) (“the Authority”).

WHEREAS:

- (1) On      20      an order entitled the      was [made] [confirmed] by      (b) under the powers conferred on [him] [her] [them] by the Act (c) authorising the Authority to acquire the land specified in the Schedule hereto.
- (2) Notice of the [making] [confirmation] of the order was first published in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981] (d) on      20      .
- (3) That notice included the statement and form prescribed under [section 15(4)(e) and (f) of the Acquisition of Land Act 1981] [paragraph 6(4)(e) and (f) of Schedule 1 to the Acquisition of Land Act 1981] (e).

NOW THIS DEED WITNESSETH that, in exercise of the powers conferred on them by section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the Act”), the Authority hereby declare—

- [1] The land described in [Part 1 of (f)] the Schedule hereto (being [the whole] [part] of the land authorised to be acquired by the order) and more particularly delineated on the plan annexed hereto, together with the right to enter and take possession of the land shall vest in the Authority as from the end of the period of [insert period of 3 months or longer] from the date on which the service of notices required by section 6 of the Act is completed.
- [2] For the purposes of section 2(2) of the Act, the specified period [in relation to the land comprised in the declaration is      years and months] [in relation to each area of land specified in column 1 of Part 2 of the Schedule hereto is that stated with respect to that area in column 2].

SCHEDULE

(g)

## NOTES ON USE OF FORM 1

- (a) *Insert the name of the acquiring authority.*
- (b) *Insert the name of the confirming authority or, where the order was made by a Minister, that Minister.*
- (c) *Insert the title of the Act authorising the compulsory purchase.*
- (d) *Where the notice was published under a procedure prescribed by some other provision, refer instead to that provision.*
- (e) *Where the notice was published under a procedure prescribed by some other provision (i.e. not under the Acquisition of Land Act 1981), refer to the provision which required the notice to include a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 and a prescribed form for giving information to the acquiring authority.*
- (f) *The Schedule should be divided into Part 1 and Part 2 where Part 2 is required for the purpose of the final phrase of Clause 2 of the declaration. Clause 2 may, in any event, be omitted where there is no "long tenancy about to expire", as to which see section 2(2) of the Compulsory Purchase (Vesting Declarations) Act 1981.*
- (g) *The declaration should be made under seal, duly authenticated, and dated.*

## PART 2

Form 2: Form of notice specifying land and stating effect of general vesting declaration



Schedules A1 and 1 to the Act contain supplementary provisions as to general vesting declarations. If a counter-notice is served under paragraph 2 of Schedule A1 within the period referred to in the first paragraph of this notice, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with that Schedule. The provisions of Schedules A1 and 1 are set out in Appendix B to this notice.

A copy of the general vesting declaration to which this notice refers and of the plan annexed to the declaration can be inspected at (c) and may be seen at all reasonable hours. [Copies of these documents can also be found online at: (d)].(e)]

#### SCHEDULE

[Description of the land taken from the Schedule to the general vesting declaration.]

#### Appendix A

[Here set out the definitions of “minor tenancy” and “long tenancy which is about to expire” in section 2(1) and (2) of the Act.]

#### Appendix B

[Here set out Schedules A1 and 1 to the Act.]

[Date and signature]

#### NOTES ON USE OF FORM 2

- (a) Complete the title of the order
- (b) Insert the name of the authority, and define them by an appropriate term. Thereafter rely on that definition wherever “(b)” appears in the text.
- (c) Insert address of the office where documents may be inspected.
- (d) Insert the address of the website where the relevant documents can be viewed.
- (e) Required where the acquisition is authorised under the Acquisition of Land Act 1981 procedure. Optional where the acquisition was authorised under a different procedure.



## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to England only, amend the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017 (“the 2017 Regulations”) (S.I. 2017/3) and the Land Compensation Development (England) Order 2012 (“the 2012 Order”) (S.I. 2012/634). The amendments to the 2017 Regulations come into force on 30th April 2024 and the amendments to the 2012 Order come into force on 31st January 2025.

Regulation 2(2) omits regulation 4 of the 2017 Regulations, which required the Secretary of State to review the operation and effect of regulations 1 to 3 of the 2017 Regulations and to publish a report setting out the conclusions of that review within five years of 3rd February 2017 and within every five years after that.

Regulation 2(3)(a) replaces Form 1 in the 2017 Regulations with a new version (contained in Part 1 of the Schedule to these Regulations).

Regulation 2(3)(b) replaces Form 2 in the 2017 Regulations with a new version (contained in Part 2 of the Schedule to these Regulations).

Regulation 3(2) replaces article 3(3) of the 2012 Order, to reflect that local planning authorities are required to provide a statement of reasons where they—

- issue a certificate of appropriate alternative development under section 17 of the Land Compensation Act 1961 (c.33) (certificates of appropriate alternative development) for development less extensive than as described in the relevant application or contrary to any representations in writing, or
- reject an application for such a certificate.

The amendments made by regulation 2(3) do not apply to compulsory purchase orders where notice of the making or preparation of the order pursuant to section 11(1) of or paragraph 2(1) of Schedule 1 to the Acquisition of Land Act 1981 (c. 67) has been published before 30th April 2023.

The amendments made by regulation 3 do not apply to compulsory acquisitions that have been made public in accordance with the relevant acquisition process before these Regulations come into force to avoid changing the law applicable to those acquisitions mid-process.

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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