
WELSH STATUTORY INSTRUMENTS

2017 No. 362 (W. 88)

ACQUISITION OF LAND, WALES

The Compulsory Purchase of Land (Vesting Declarations) (Wales) Regulations 2017

<i>Made</i>	- - - -	<i>8 March 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>14 March 2017</i>
<i>Coming into force</i>	- -	<i>6 April 2017</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 2(1), 4 and 6 of the Compulsory Purchase (Vesting Declarations) Act 1981(2) and now exercisable by them(3), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Compulsory Purchase of Land (Vesting Declarations) (Wales) Regulations 2017 and they come into force on 6 April 2017.

(2) These Regulations apply in relation to the compulsory purchase of land in Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Compulsory Purchase (Vesting Declarations) Act 1981;

“relevant order” (“*gorchymyn perthnasol*”) means an order which provides that the Act is to apply to the compulsory purchase of land which it authorises as if the order were a compulsory purchase order; and

“special enactment” (“*deddfiad arbennig*”) means—

(a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act, or

(1) See the definition of “prescribed” in subsection (1).
(2) 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, that Act.
(3) The functions of the Secretary of State so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry in Schedule 1 for the Compulsory Purchase (Vesting Declarations) Act 1981. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

- (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.
- (2) For the purposes of these Regulations, a compulsory purchase is authorised—
 - (a) by a compulsory purchase order, on the day on which the order is confirmed by a Minister or the Welsh Ministers or another authority, or made by a Minister or the Welsh Ministers;
 - (b) by an order under section 1 or 3 of the Transport and Works Act 1992(4), on the day on which the Secretary of State or the Welsh Ministers determine under section 13(1) of that Act to make the order;
 - (c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(5), on the day on which the order is made by the appropriate Minister(6) or the Welsh Ministers or a person who is designated in an order made under section 42A(7) of that Act;
 - (d) by any other relevant order, on the day on which the order is made by a Minister or the Welsh Ministers; or
 - (e) by a special enactment(8), on the day on which the special enactment is enacted.

Prescribed forms in connection with general vesting declarations

- 3.—(1) In relation to a compulsory purchase of land which is authorised on or after 6 April 2017—
- (a) for the purposes of section 4(1) of the Act, the prescribed form of general vesting declaration is Form 1;
 - (b) for the purposes of section 6(1) of the Act, the prescribed form of notice specifying the land and stating the effect of a general vesting declaration is Form 2.
- (2) The references in this regulation to a numbered form are references to the form bearing that number in the Schedule or to a form substantially to the same effect as that form.

Revocation and saving

- 4.—(1) Subject to paragraph (2), the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990(9) are revoked in relation to Wales.
- (2) The Regulations mentioned in paragraph (1) continue to have effect in relation to a compulsory purchase of land which is authorised before 6 April 2017.

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- (4) 1992 c. 42. An order made under section 1 or 3 of the Transport and Works Act 1992 can authorise the compulsory acquisition of land, *see* section 5 of, and paragraph 3 of Schedule 1 to, that Act.. Order-making functions under sections 1 and 3 were transferred to the National Assembly for Wales except where any such order would have effect both in Wales and England, *see* article 2 of, and the entry for the Transport and Works Act 1992 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
 - (5) 1964 c. 40. An order under the Harbours Act 1964 can authorise the compulsory acquisition of land, *see* sections 14 and 16 of that Act.
 - (6) For “the appropriate Minister” *see* sections 14(7) and 15(3) of the Harbours Act 1964. Functions under that Act are exercisable by the Welsh Ministers so far as they relate to fishery harbours, *see* the entry for that Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. That entry was amended by article 4 of, and paragraph 1 of Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
 - (7) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).
 - (8) A special enactment may provide that the Act applies as if the enactment were a compulsory purchase order.
 - (9) S.I. 1990/497.

8 March 2017

Lesley Griffiths
Cabinet Secretary for Environment and Rural
Affairs, one of the Welsh Ministers

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SCHEDULE 1

FORM 1

Regulation 3(1)(a)

Form of general vesting declaration

This GENERAL VESTING DECLARATION is made 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 them by the ... Act (c) authorising the Authority to acquire the land specified in the Schedule hereto.
(2) Notice of the [confirmation] [making] 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 upon 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 this 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.

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(c) Insert the title of the Act authorising 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.

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FORM 2

Regulation 3(1)(b)

Form of Notice specifying land and stating effect of general vesting declaration

The Compulsory Purchase Order 20

To:

of:

NOTICE IS HEREBY GIVEN that the ("the") (a) on 20..... executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act") vesting the land described in the Schedule to this notice ("the land") in themselves as from the end of the period of [insert period of 3 months or longer] from the date on which the service of the notices required by section 6 of the Act is completed.

The (a) will in due course tell you the date on which the service of the notices was completed.

The effect of the general vesting declaration is as follows:--

On the first day after the end of the period referred to in the first paragraph of this notice ("the vesting date") the land, together with the right to enter upon and take possession of it, will vest in the (a).

Also, on the vesting date the Acts providing for compensation will apply as if, on the date on which the general vesting declaration was executed (namely, 20.....), a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965, the (a) could have served such a notice (other than any person entitled to a "minor tenancy" or a "long tenancy" which is about to expire. These expressions are defined in Appendix A to this notice).

If the land includes any land in which there is a minor tenancy or a long tenancy which is about to expire, the right of entry will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the (a) having served on every occupier of any of the land in which the tenancy subsists, a notice stating that, at the end of a specified period (at least 3 months from the date of the service of the notice), they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

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 (b) and may be seen at all reasonable hours.

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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) Insert the name of the authority, and define them by an appropriate term. Thereafter rely on that definition wherever “(a)” appears in the text.

(b) Insert address of the office where documents may be inspected.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe forms for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) (“the 1981 Act”) and come into force on 6 April 2017. They apply to the compulsory purchase of land in Wales.

The prescribed forms reflect the changes to the general vesting declaration procedure made by Part 7 of the Housing and Planning Act 2016 (c. 22).

Regulation 3(1)(a) provides that, for the purposes of section 4(1) of the 1981 Act, the form of a general vesting declaration is Form 1 in the Schedule to these Regulations (or a form substantially to the same effect).

Regulation 3(1)(b) provides that, for the purposes of section 6(1) of the 1981 Act, the form of notice specifying the land and stating the effect of a general vesting declaration is Form 2 in the Schedule to these Regulations (or a form substantially to the same effect).

Regulation 4 revokes with saving the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990 (S.I. 1990/497) in Wales.

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