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SCHEDULES

SCHEDULE 5

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITION OF STATUTORY UNDERTAKERS’ OPERATIONAL LAND

PART I

Acquisitions by development corporations and local highway authorities

- 1 An application by a development corporation or local highway authority for the purposes of section 13(1)(a) above shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.
- 2 As soon as may be after submitting the application to the Secretary of State and the appropriate Minister the acquiring authority shall serve on every owner, lessee and occupier of any land to which the application relates a notice in the prescribed form—
 - (a) describing the land;
 - (b) stating that an application under section 13(1)(a) above has been submitted in relation to the land and is about to be considered by the Secretary of State and the appropriate Minister;
 - (c) naming a place where a copy of the application and of the map referred to in it may be seen at all reasonable hours; and
 - (d) specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the application may be made.
- 3 (1) If—
 - (a) no objection is duly made by any of the persons on whom notices are required to be served, or
 - (b) if all objections so made are withdrawn,the Secretary of State and the appropriate Minister may, if they think fit, make a compulsory purchase order in accordance with the application, with or without modification, but shall not, unless all persons interested consent, make the order with any modification which would extend it to any land to which the application did not relate.
- (2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Secretary of State and the appropriate Minister—
 - (a) shall, before making an order on the application, consider the objection, and
 - (b) shall, if either the person by whom the objection was made or the acquiring authority so desire, afford that person and the acquiring authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State and the appropriate Minister for the purpose,

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and they may then, if they think fit, make an order on the application.

- (3) An objection shall not be deemed for the purposes of section 13 above or this Schedule to be duly made unless—
- (a) it is made within the time and in the manner specified in the notice in that behalf; and
 - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- 4 A compulsory purchase order made on such an application shall be in such form as the Secretary of State and the appropriate Minister may determine, and shall describe by reference to a map the land to which the order relates.
- [^{F15} As soon as may be after a compulsory purchase order has been made on such an application the acquiring authority shall serve on any person who, if Part 2 of the Acquisition of Land Act 1981 applied to the acquisition, would be entitled to a notice under section 12 of that Act (notice to owners, lessees and occupiers), a notice in the prescribed form—
- (a) stating that the order has been made,
 - (b) naming a place where where a copy of the order and of the map referred to therein may be seen at any reasonable hour,
 - (c) containing a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
 - (d) inviting any person who would be entitled to claim compensation if a declaration were executed under section 4 of that Act to give the acquiring authority information about the person’s name, address and interest in land, using a prescribed form.]

Textual Amendments

- F1** [Sch. 5 para. 5](#) substituted (2.2.2017) by [The Housing and Planning Act 2016 \(Compulsory Purchase\) \(Corresponding Amendments\) Regulations 2017 \(S.I. 2017/16\)](#), reg. 1(2), [Sch. para. 4\(3\)](#) (with [Sch. para. 4\(4\)](#))

PART II

Acquisitions by Secretary of State

- 6 A compulsory purchase order made by the Secretary of State and the appropriate Minister in pursuance of section 13(1)(b) above—
- (a) shall be in such form as they may determine; and
 - (b) shall describe by reference to a map the land to which the order relates.
- 7 Where the Secretary of State and the appropriate Minister propose to make such an order they shall prepare a draft of it, and then shall as soon as may be serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine—
- (a) describing the land;
 - (b) stating that the making of the order is proposed;
 - (c) naming a place where a copy of the draft and of the map referred to in the draft may be seen at any reasonable hour; and

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- (d) specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the proposal may be made.
- 8 Paragraphs 3 and 5 above have effect in relation to such an order—
- (a) with the substitution, for references to an application and to the making of a compulsory purchase order upon it, of references to such an order as prepared in draft and to the making of such an order, and
 - (b) with the omission of the references in paragraph 3(2) to the acquiring authority.

PART III

Modification of Schedule 4 Part V in relation to compulsory purchase orders made in pursuance of s. 13

- 9 Part V of Schedule 4 to this Act has effect in relation to a compulsory purchase order made in pursuance of section 13(1) above with the substitution, for the references to the date on which notice of the confirmation or making of the order is first published in accordance with that Schedule, of references to the date on which the service of notices required by paragraph 5 above is completed.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A(1) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(2) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(4) word inserted by [2023 c. 55 Sch. 16 para. 7\(4\)\(b\)](#)
- s. 1A(4) words substituted by [2023 c. 55 Sch. 16 para. 7\(4\)\(a\)](#)
- s. 1A(5)(a) words substituted by [2023 c. 55 Sch. 16 para. 7\(5\)\(a\)](#)
- s. 1ZA1ZB inserted by [2023 c. 55 s. 172\(2\)](#)
- s. 2(1A) inserted by [2023 c. 55 Sch. 16 para. 8](#)
- s. 3(2B)-(2D) inserted by [2023 c. 55 s. 172\(3\)\(c\)](#)
- s. 3(2ZA)(2ZB) inserted by [2023 c. 55 s. 178\(2\)\(b\)](#)
- s. 7A7B inserted by [2023 c. 55 s. 175\(2\)](#)
- s. 60(1A) inserted by [2023 c. 55 s. 179\(2\)\(b\)](#)
- s. 77(3E) inserted by [2023 c. 55 Sch. 17 para. 1\(3\)](#)
- Sch. 3 para. 10A10B and cross-heading inserted by [2023 c. 55 s. 175\(3\)](#)
- Sch. 4 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(a\)](#)
- Sch. 5 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(b\)](#)