



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Land

13 Compulsory acquisition by local authorities of rights over land.

- (1) A local authority which may be authorised by a Minister of the Crown, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by that Minister, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order; and in this subsection “new rights” means rights which are not in existence when the order specifying them is made.
- (2) ^{F1} . . . the ^{M1}Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights by virtue of the preceding subsection as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (3) Without prejudice to the generality of the preceding subsection, in relation to the purchase of rights in pursuance of subsection (1) of this section—
 - ^{F2}(a)
 - (b) Part I of the said Act of 1965 ^{F3} . . . shall have effect with the modifications specified in Part II of Schedule 1 to this Act; and
 - (c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

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(4) Nothing in the preceding provisions of this section shall authorise the purchase of any rights by an authority for a purpose for which there is power by virtue of [^{F4}section 250 of the Highways Act 1980](which relates to the compulsory acquisition of rights by highway authorities) to authorise the authority to acquire the rights.

[^{F5}(5) In this section “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981, and Schedule 3 to that Act shall apply to the compulsory purchase of rights by virtue of subsection (1) above.]

Textual Amendments

- F1** Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**
F2 S. 13(3)(a) repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**
F3 Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**
F4 Words substituted by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 27(a)**
F5 S. 13(5) substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), **Sch. 4 para. 26**

Modifications etc. (not altering text)

- C1** S. 13 applied by Town and Country Planning Act 1990 (c. 8, SIF 123:1), s. 244(4)
C2 Power to apply s. 13 conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4** para. (c)(i); S.I. 1997/1930, **art. 2(2)(m)**
C3 S. 13 extended (19.9. 1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(2)(a)(4)** (with ss. 7(6), 115, 117, **Sch. 8** para. 7)
C4 Ss. 13-16: power to amend conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 132, 255(3)(a)** (with s. 247)
C5 S. 13(2)(3) applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(7), 70(1)**
C6 S. 13(2)(3) applied (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(8), 64(1)**
C7 S. 13(5) applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 49(7), 70(1)**
C8 S. 13(5) applied (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 45(8), 64(1)**

Marginal Citations

- M1** 1965 c. 56.

14 Injurious affection connected with certain land held by local authorities and acquired by agreement before 1st April 1974.

- (1) Where an interest in land is held by a local authority for a purpose for which the authority can by virtue of an enactment be authorised to acquire land compulsorily and—
- the interest was acquired by agreement by the authority or another body before 1st April 1974 and, where it was acquired by another body, has not since the acquisition been transferred otherwise than by an Act or an order made under an Act; and
 - provisions of the Lands Clauses Acts or the ^{M2}Compulsory Purchase Act 1965 apply to the acquisition but those provisions do not include section 68 of the ^{M3}Lands Clauses Consolidation Act 1845 (under which there is among other things a right to compensation in respect of land injuriously affected by

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certain works) or section 10 of the said Act of 1965 (which re-enacts the said section 68),

the authority may by resolution provide that, on and after the date when the resolution comes into force, the said section 68 or as the case may be the said section 10 shall be included among the provisions aforesaid which apply to the acquisition.

- (2) Where an authority passes a resolution in pursuance of the preceding subsection in connection with any land in which the authority holds an interest, it shall be the duty of the authority—
- (a) to send to the appropriate Minister a copy of the resolution and a map indicating the land;
 - (b) to publish in two successive weeks, in one or more local newspapers circulating in the area in which the land is situated, a copy of the resolution and a notice stating—
 - (i) a place in the area of the council where a map indicating the land may be inspected by members of the public free of charge between 10 a.m. and 4 p.m. on each weekday, except Saturdays and bank holidays, during a period specified in the notice (which shall not be less than 21 days beginning with the date of first publication of the notice in pursuance of this paragraph), and
 - (ii) that any person having an interest in land which could be injuriously affected by virtue of the resolution if it came into force may object to the resolution in accordance with the following subsection, and
 - (iii) the designation and address of the appropriate Minister;
 - (c) not later than the date aforesaid, to serve a copy of the resolution and of the said notice, by post by the recorded delivery service, on each person who, after reasonable inquiry, appears to the authority to be such a person as is mentioned in paragraph (b)(ii) of this subsection; and
 - (d) not later than that date, to affix a copy of the resolution and the said notice in a prominent position on the land.
- (3) Any such person as is mentioned in paragraph (b)(ii) of the preceding subsection may object to the resolution in question by serving on the appropriate Minister, within the period mentioned in paragraph (b)(i) of that subsection, a notice setting out the grounds of his objection.
- (4) A resolution passed in pursuance of subsection (1) of this section shall not come into force unless the appropriate Minister makes an order providing that it shall come into force and, where he makes such an order, shall come into force on the date specified in the order; and the appropriate Minister—
- (a) shall not make such an order in respect of a resolution before the expiration of the period specified in pursuance of paragraph (b)(i) of subsection (2) of this section in the notice published in pursuance of that subsection in connection with the resolution; and
 - (b) may hold an inquiry for the purpose of deciding whether to make such an order in respect of a resolution.
- (5) Where an order is made in pursuance of this section in respect of a resolution passed by an authority, it shall be the duty of the authority—
- (a) to publish in two successive weeks, in one or more local newspapers circulating in the area in which the land to which the resolution relates is situated, a notice stating that the order has been made, the date specified in

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the order as that on which the resolution comes into force and the effect of the following subsection; and

- (b) to serve a copy of the notice, by post by the recorded delivery service, on each person on whom notice in respect of the resolution was served in pursuance of subsection (2)(c) of this section.
- (6) No question as to the validity of a resolution purporting to be passed in pursuance of subsection (1) of this section or of an order purporting to be made in pursuance of this section in respect of such a resolution shall be entertained in any proceedings begun after the expiration of the period of three months beginning with the date when notice relating to the resolution was first published in pursuance of the preceding subsection; and, except as otherwise determined in proceedings begun before the expiration of that period, such a resolution shall be deemed to be duly passed and such an order shall be deemed to be duly made.
- (7) In this section “the appropriate Minister” means, in relation to a resolution passed by an authority in connection with any land in which an interest is held by the authority, the Minister of the Crown having power to authorise the authority to acquire land compulsorily for the purposes for which the interest is held by the authority; and section 250 of the ^{M4}Local Government Act 1972 (which relates to local inquiries) shall have effect in relation to an inquiry in pursuance of subsection (4)(b) of this section as if for the reference to the Secretary of State in subsection (1) of that section there were substituted a reference to the appropriate Minister.

Modifications etc. (not altering text)

- C4 Ss. 13-16: power to amend conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 132, 255\(3\)\(a\)](#) (with [s. 247](#))
- C9 Power to apply s. 14 conferred (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), [Sch. 4](#) para. (c)(i); [S.I. 1997/1930, art. 2\(2\)\(m\)](#)

Marginal Citations

- M2 [1965 c. 56](#).
- M3 [1845 c. 18](#).
- M4 [1972 c. 70](#).

^{F6}15 Power of local authorities to survey land which they propose to acquire compulsorily.

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Textual Amendments

- F6 S. 15 omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 14 para. 9](#); [S.I. 2016/733, reg. 3\(h\)](#) (with [reg. 6](#))

Modifications etc. (not altering text)

- C4 Ss. 13-16: power to amend conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 132, 255\(3\)\(a\)](#) (with [s. 247](#))

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16 Power of local authorities to obtain particulars of persons interested in land.

(1) Where, with a view to performing a function conferred on a local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely—

- (a) the occupier of the land; and
- (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
- (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

(2) A person who—

- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F7}level 5 on the standard scale].

Textual Amendments

F7 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Modifications etc. (not altering text)

C4 **Ss. 13-16:** power to amend conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 132, 255(3)(a)** (with s. 247)

C10 S. 16 extended by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **s. 33(7)**
S. 16 extended (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\)](#), **Sch. 8 para. 1(2)(c)(4)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

S. 16 extended (6.5.2003) by [London Development Agency Act 2003 \(c. i\)](#), **ss. 1, 2**

C11 S. 16: power to transfer functions conferred by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 3(2)(c)(i), 79**

S. 16: power to apply conferred (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4 para. (c)(i)**; [S.I. 1997/1930, art. 2\(2\)\(m\)](#)

C12 S. 16: certain functions transferred (7.8.1991) by [S.I. 1991/1773, art. 8\(1\)\(3\)](#), **Sch. 2**

S. 16: certain functions transferred (10.1.1992) by [S.I. 1991/2913, art. 8\(1\)\(3\)](#), **Sch. 2**

C13 S. 16 modified (7.8.1991) by [S.I. 1991/1773, art. 8\(2\)\(3\)](#), **Sch. 2**

S. 16 modified (10.1.1992) by [S.I. 1991/2913, art. 8\(2\)\(3\)](#), **Sch. 2**

C14 S. 16 restricted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), **s. 117(1)**, **Sch. 13 para. 45** (with s. 118(1)(2)(4))

C15 S. 16 amended (16.11.2000) by [S.I. 2000/2853, reg. 3\(1\)](#), **Sch. 2 para. 17**

C16 S. 16 extended (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), **s. 23** (with ss. 2(3), 16(3), 42, [Sch. 6 Pt. ss. 2, 3](#))

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- C17** S. 16 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C18** S. 16 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C19** S. 16 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C20** S. 16 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C21** S. 16 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C22** S. 16 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C23** S. 16 functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**
- C24** S. 16 functions etc. assigned to the port health authority and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

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

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 4](#)