

Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, Cross Heading: Compulsory acquisition provisions. (See end of Document for details)

SCHEDULES

SCHEDULE 19

ORDERS CONFERRING COMPULSORY WORKS POWERS

Modifications etc. (not altering text)

- C1** Sch. 19 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2(1), **Sch. Pt. 1**; S.I. 2006/1172, **art. 2(a)-(d)** (with art. 3); S.I. 2006/1279, **art. 2(a)-(d)** (with art. 3)
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Compulsory acquisition provisions

- 6 (1) Without prejudice to the provisions of Schedule 23 to this Act—
- Part I of the ^{M1}Compulsory Purchase Act 1965;
 - [^{F1}sections 2A and] 4 and Part III of, and Schedule 3 to, the ^{M2}Acquisition of Land Act 1981; and
 - the enactments for the time being in force with respect to compensation for the compulsory purchase of land,
- shall apply in relation to so much of a compulsory works order as confers powers of compulsory acquisition as they apply in relation to a compulsory purchase order made by virtue of section 154 of this Act and, accordingly, shall so apply, where the case so requires, with the modifications made by Schedule 18 to this Act.
- (2) Subject to the provisions of sub-paragraph (6) below, if any person aggrieved by a compulsory works order containing powers of compulsory acquisition, or by a certificate given under the special land provisions in connection with such an order, desires—
- to question the validity of the order, or of any provision of the order, on the grounds that any powers of compulsory acquisition conferred by the order are not authorised by this Act to be so conferred, or that any of the relevant requirements have not been complied with in relation to the order; or
 - to question the validity of the certificate on the grounds that any of the relevant requirements have not been complied with in relation to the certificate,

he may make an application for the purpose to the High Court at any time before the end of the period of six weeks beginning with the date on which notice of the making of the order is first published in accordance with paragraph 5 above or, as the case may be, notice of the giving of the certificate is first published in accordance with the special land provisions.

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- (3) On any application under sub-paragraph (2) above with respect to any order or certificate, the High Court—
- (a) may by interim order suspend the operation of the order, or any provision of the order, or of the certificate (either generally or in so far as it affects any property of the applicant to the High Court) until the final determination of the proceedings; and
 - (b) if satisfied—
 - (i) that any powers of compulsory acquisition conferred by the order are not authorised by this Act to be so conferred; or
 - (ii) that the interests of that applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to the order or the certificate,
 may quash the order, or any provision of the order, or the certificate (either generally or in so far as it affects any property of that applicant).
- (4) Except as provided by sub-paragraph (2) above, the validity of any such order or certificate as is mentioned in that sub-paragraph shall not, either before or after the order or certificate has been made or given, be questioned in any legal proceedings whatsoever.
- (5) Subject to any order of the High Court under sub-paragraph (3) above, any such order or certificate as is mentioned in sub-paragraph (2) above shall become operative (except, in the case of an order, where it is subject by virtue of the special land provisions to special parliamentary procedure) on the date on which notice of the making or giving of the order or certificate is published as mentioned in the said sub-paragraph (2).
- (6) Where an order such as is mentioned in sub-paragraph (2) above is subject to special parliamentary procedure, sub-paragraphs (2) to (4) of this paragraph—
- (a) shall not apply to the order if it is confirmed by Act of Parliament under section ^{F24} or] 6 of the ^{M3}Statutory Orders (Special Procedure) Act 1945; and
 - (b) in any other case, shall have effect as if the reference in sub-paragraph (2) of this paragraph to the date on which notice of the making of the order is first published in accordance with paragraph 5 above were a reference to the date on which the order becomes operative under the said Act of 1945.
- (7) In this paragraph—
- “the special land provisions” means the provisions, as applied by virtue of sub-paragraph (1) above, of Part III of the ^{M4}Acquisition of Land Act 1981 or, as the case may require, of Part II of Schedule 3 to that Act; and
- “the relevant requirements”, in relation to an order or certificate, means the requirements of this Schedule and such requirements of the special land provisions or of any other enactment as are applicable to that order or certificate by virtue of this paragraph.

Textual Amendments

- F1** Words in [Sch. 19 para. 6\(1\)\(b\)](#) substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 17 para. 11](#); S.I. 2017/75, reg. 3(g)

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F2 Words in Sch. 19 para. 6(6)(a) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 25(9)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

Marginal Citations

M1 1965 c. 56.

M2 1981 c. 67.

M3 1945 c. 18 (9 & 10 Geo. 6).

M4 1981 c. 67.

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