
STATUTORY INSTRUMENTS

1990 No. 497

ACQUISITION OF LAND

**The Compulsory Purchase of Land
(Vesting Declarations) Regulations 1990**

<i>Made</i>	- - - -	<i>7th March 1990</i>
<i>Laid before Parliament</i>		<i>9th March 1990</i>
<i>Coming into force</i>	- -	<i>1st April 1990</i>

The Secretary of State for the Environment, in exercise of the powers conferred upon him by sections 2(1)(1), 3(3), 4(1) and 6(1) of the Compulsory Purchase (Vesting Declarations) Act 1981(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990 and shall come into force on 1st April 1990.

Interpretation

2. In these Regulations, “the Act” means the Compulsory Purchase (Vesting Declarations) Act 1981; and any reference to a numbered form is a reference to the form bearing that number in the Schedule to these Regulations.

Prescribed forms in connection with general vesting declarations

3. The prescribed forms in relation to the provisions of the Act mentioned below are as follows—
- (a) for the purposes of section 4(1), the form of general vesting declaration shall be Form 1;
 - (b) for the purposes of section 3(3), the form of the statement of the effect of Parts II and III shall be Part 1 of Form 2, and the form for giving information to the authority shall be Part 2 of Form 2;
 - (c) for the purposes of section 6(1), the form of notice specifying the land and stating the effect of a general vesting declaration shall be Form 3.

(1) See definition of “prescribed”.
(2) 1981 c. 66.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation

4. Regulation 5 of the Compulsory Purchase of Land Regulations 1982(3) is hereby revoked.

Signed by authority of the Secretary of State

7th March 1990

Michael Spicer
Minister of State,
Department of the Environment

Document Generated: 2024-03-15

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE

FORM 1 FORM OF GENERAL VESTING DECLARATION

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 3(a)

This GENERAL VESTING DECLARATION is made the _____ day of _____ 19____ by _____ (a) ("the Authority").

WHEREAS:

(1) On _____ 19____ an order entitled the _____ was [made] [confirmed] by _____ (b) under the powers conferred on [him] [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 _____ 19____

(3) (e) That notice included the particulars specified in section 3(3) of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act").

OR

(3) A subsequent notice given on _____ 19____ before the service of any notice to treat in respect of any of the land described in the Schedule hereto included the particulars specified in section 3(3) of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act").

(4) (e) The notice referred to in (3) above did not specify any period longer than two months beginning with the date of its first publication as the period before the end of which this general vesting declaration could not be executed.

OR

(4) The notice referred to in (3) above specified the period of _____ months beginning with the date of its first publication as the period before the end of which this general vesting declaration could not be executed.

OR

(4) The consent in writing of every occupier of the land described in the Schedule hereto has been obtained to the execution of this general vesting declaration.

NOW THIS DEED WITNESSETH that, in exercise of the powers conferred on them by section 4 of 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 28 days 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 II 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 compulsory purchase.
- (d) Where the notice was published under a procedure prescribed by some other provision refer instead to that provision.
- (e) Delete any alternative which does not apply.
- (f) The Schedule should be divided into Part I and Part II where Part II 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 Act.
- (g) The declaration should be made under seal, duly authenticated, and dated.

Document Generated: 2024-03-15

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

FORM 2

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 3(b)

PART 1

FORM OF STATEMENT OF EFFECT OF PARTS II AND III OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to make general vesting declaration

1. The (hereinafter called) (b) may acquire any of the land described in [the] Schedule [1] [above] [below] [hereto] (c) by making a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. This has the effect, subject to paragraph 4 below, of vesting the land in the (b) at the end of the period mentioned in paragraph 2 below. A declaration may not be made before the end of a period of two months from the first publication of a notice which includes this statement except with the consent in writing of every occupier of the land affected.

Notices concerning general vesting declaration

2. As soon as may be after the (b) make a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in any notice. When the service of notices of the general vesting declaration is completed, a further period begins to run. This period, which must not be less than 28 days, will be specified in the declaration. On the first day after the end of this period ("the vesting date") the land described in the declaration will, subject to what is said in paragraph 4, vest in the (b) together with the right to enter on the land and take possession of it. Every person on whom the (b) could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 3) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

Modifications with respect to certain tenancies

3. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", ie. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

4. The modifications are that the (b) may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 3 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than 14 days from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

[Schedule] (c)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 2(a)

FORM FOR GIVING INFORMATION

The Compulsory Purchase Order 19

To: (b)

[I] [We] being [a person] [persons] who, if a general vesting declaration were made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 3 of that Act.

1. Name and address of informant(s) (i)

.....

2. Land in which an interest is held by informant(s) (ii)

.....

3. Nature of interest (iii)

Signed

[on behalf of]

Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

NOTES ON USE OF FORM 2

- (a) The acquiring authority are obliged by section 3(1) of the Compulsory Purchase (Vesting Declarations) Act 1981 to include in the notice of confirmation of the compulsory purchase order or a subsequent notice:-
 - (i) a statement of the effect of Parts II and III of the Act in a prescribed form (i.e. Part I of this Form); and
 - (ii) a notification to the effect that every person who, if a general vesting declaration were made in respect of all the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the authority making the declaration in the prescribed form with respect to his name and address and the land in question.
The acquiring authority may find it convenient to include this notification immediately before the prescribed form in Part 2 which may then be introduced by such words as "The relevant prescribed form is set out below".
- (b) Insert the name of the acquiring authority, and define them by an appropriate term. Thereafter rely on the definition wherever "(b)" appears in the text.
- (c) If this notice is served separately from the notice of confirmation of the compulsory purchase order insert a description of the land in a Schedule following paragraph 4. Otherwise delete square brackets and preceding words as appropriate.

FORM 3 FORM OF NOTICE SPECIFYING LAND AND STATING EFFECT OF GENERAL VESTING DECLARATION

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 3(c)

The Compulsory Purchase Order 19
To:
of:

NOTICE IS HEREBY GIVEN that the ("the ") (a) on 19 made 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 days 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 made (namely, 19), a notice to treat had been served on every person on whom the (a) could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the vesting date and 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 14 days 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.

Schedule 1 to the Act contains supplementary provisions as to general vesting declarations. These provisions 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.

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 Schedule 1 to the Act]
[Date and signature]

NOTES ON USE OF FORM 3

- (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 re-enact with minor and drafting amendments the Compulsory Purchase of Land Regulations 1982 insofar as they relate to prescribed forms in connection with general vesting declarations, following a compulsory purchase order.

The forms prescribed by these Regulations are—

FORM 1 — the general vesting declaration;

FORM 2 — Part 1—the statement of the effect of the statutory provisions relating to a general vesting declaration; and

Part 2—the form for the giving of information to the acquiring authority by a person who would be entitled to compensation;

FORM 3 — the notice that a general vesting declaration has been made.