

2017 No. 16

ACQUISITION OF LAND, ENGLAND AND WALES

**The Housing and Planning Act 2016 (Compulsory Purchase)
(Corresponding Amendments) Regulations 2017**

Made - - - - - *12th January 2017*

Coming into force in accordance with regulation 1(2)

A draft of these Regulations has been laid before Parliament in accordance with section 214(2)(o) of the Housing and Planning Act 2016(a), and has been approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by section 214(6) of, and paragraph 8(1) of Schedule 15, to that Act, makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) These Regulations extend to England and Wales only.

Amendment of enactments relating to compulsory purchase

2. The Schedule to these Regulations amends enactments relating to compulsory purchase.

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State

12th January 2017

Department for Communities and Local Government

SCHEDULE

Regulation 2

AMENDMENT OF ENACTMENTS RELATING TO COMPULSORY PURCHASE

Pipe-lines Act 1962

1.—(1) Schedule 2 to the Pipe-lines Act 1962^(a) (applications for grant of compulsory purchase orders) is amended as follows.

(2) In paragraph 7 (notice after compulsory purchase order has been made), after sub-paragraph (2) insert—

“(3) Sub-paragraphs (4) to (6) apply if—

- (a) a compulsory purchase order authorises the compulsory acquisition of land in England or Wales, and
- (b) the person in whose favour the order is made is a person to whom section 1 of the Compulsory Purchase (Vesting Declarations) Act 1981^(b) applies.

(4) The person in whose favour the compulsory purchase order has been made must serve the notice mentioned in sub-paragraph (2) on any person who, if Part 2 of the Acquisition of Land Act 1981^(c) applied to the acquisition, would be entitled to a notice under section 12 of that Act (notice to owners, lessees and occupiers).

(5) The notice must—

- (a) contain a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of that Act in relation to the land (a “claimant”) to give the person in whose favour the compulsory purchase order has been made information about the claimant’s name, address and interest in land, using a prescribed form.

(6) The person in whose favour the compulsory purchase order has been made must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.”

(3) In paragraph 10 (modification of compulsory purchase order provisions to apply to compulsory rights orders), after sub-paragraph (6) insert—

“(6A) Sub-paragraphs (3) to (6) of paragraph 7 shall be omitted.”

(4) The amendments made by this paragraph apply only in relation to a compulsory purchase order made after this paragraph comes into force.

Harbours Act 1964

2.—(1) In Schedule 3 to the Harbours Act 1964^(d) (procedure for making harbour revision and empowerment orders), in paragraph 24 (notice that harbour revision order has been made etc.), after sub-paragraph (2) insert—

“(2A) Sub-paragraphs (2B) to (2F) apply where a harbour revision order—

- (a) authorises the compulsory acquisition of land in England or Wales, and
- (b) applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 to the acquisition.

(a) 1962 c.58 (10 & 12 Eliz. 2).

(b) 1981 c. 66.

(c) 1981 c. 67.

(d) 1964 c.40; Schedule 3 was substituted by S.I. 1999/3445. Paragraph 24 was amended by S.S.I. 2011/396 and by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(1) and (5)(k) and (l).

(2B) The applicant must serve the notice 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).

(2C) The notice must—

- (a) contain a statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 to give the applicant information about the person's name, address and interest in land, using a form set out in the notice.

(2D) The statement referred to in sub-paragraph (2C)(a) must be the same as the relevant statement prescribed under section 15(4)(e) of the Acquisition of Land Act 1981, subject to any necessary modifications.

(2E) The form mentioned in sub-paragraph (2C)(b) must be the same as the relevant form that is prescribed under section 15(4)(f) of the Acquisition of Land Act 1981, subject to any necessary modifications.

(2F) The applicant must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

(2G) For the purposes of sub-paragraphs (2D) and (2E), a statement or a form is “relevant”—

- (a) where the harbour revision order is made by the Welsh Ministers, if it was prescribed by the Welsh Ministers, or
- (b) where the harbour revision order is made by the Secretary of State, if it was prescribed by the Secretary of State.”

(2) The amendment made by this paragraph applies only in relation to a harbour revision order, a harbour empowerment order or a closure order made after this paragraph comes into force.

Forestry Act 1967

3.—(1) In Schedule 5 to the Forestry Act 1967(a) (compulsory purchase: procedure etc.), in paragraph 7 (notice after compulsory purchase order has been made), after sub-paragraph (2) insert—

“(2A) Sub-paragraphs (2B) to (2H) apply where a compulsory purchase order authorises the compulsory purchase of land in England or Wales.

(2B) The appropriate national authority must serve the notice mentioned in sub-paragraph (1) on any person who, if Schedule 1 to the Acquisition of Land Act 1981 applied to the acquisition, would be entitled to a notice under paragraph 3 of that Schedule (notice to owners, lessees and occupiers).

(2C) The notice must—

- (a) contain a statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 to give the appropriate national authority information about the person's name, address and interest in land, using a form set out in the notice.

(2D) The statement referred to in sub-paragraph (2C)(a) must be the same as the relevant statement prescribed under paragraph 6(4)(e) of Schedule 1 to the Acquisition of Land Act 1981, subject to any necessary modifications.

(a) 1967 c.10.

(2E) The form mentioned in sub-paragraph (2C)(b) must be the same as the relevant form prescribed under paragraph 6(4)(f) of Schedule 1 to the Acquisition of Land Act 1981, subject to any necessary modifications.

(2F) The appropriate national authority must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

(2G) For the purposes of sub-paragraphs (2D) and (2E), a statement or a form is “relevant” if it was prescribed by the appropriate national authority which has to serve it.

(2H) In this paragraph, the “appropriate national authority” means—

- (a) in relation to the compulsory purchase of land in England, the Secretary of State, and
- (b) in relation to the compulsory purchase of land in Wales, the Welsh Ministers.”

(2) The amendment made by this paragraph applies only in relation to a compulsory purchase order made after this paragraph comes into force.

New Towns Act 1981

4.—(1) The New Towns Act 1981(a) is amended as follows.

(2) In Schedule 4 (procedure for authorising compulsory acquisitions), in paragraph 5—

- (a) omit the “and” before paragraph (c),
- (b) after paragraph (c) insert—
 - “(d) containing a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
 - (e) 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,”, and
- (c) for the words from “on—” to the end, substitute “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).”.

(3) In Schedule 5 (procedure for authorising compulsory acquisition of undertakers’ land), for paragraph 5 substitute—

“**5.** 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.”

(4) The amendments made by this paragraph apply only in relation to a compulsory purchase order made after this paragraph comes into force.

(a) 1981 c.64.

Transport and Works Act 1992

5.—(1) After section 14 of the Transport and Works Act 1992(a) (publicity for making or refusing orders) insert—

“14A Compulsory acquisition: notice requirements

(1) This section applies where the appropriate national authority has determined under section 13(1) to make an order under section 1 or 3—

- (a) authorising the compulsory acquisition of land in England or Wales, and
- (b) applying Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 to the acquisition.

(2) As soon as practicable after the appropriate national authority has made the determination, the acquiring authority must give a notice to 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).

(3) The notice must—

- (a) contain a statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 to give the acquiring authority information about the person’s name, address and interest in land, using a form set out in the notice.

(4) The statement referred to in subsection (3)(a) must be the same as the relevant statement prescribed under—

- (a) section 15(4)(e) of the Acquisition of Land Act 1981, where the determination was made following an application, or
- (b) paragraph 6(4)(e) of Schedule 1 to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(5) The form mentioned in subsection (3)(b) must be the same as the relevant form that is prescribed under—

- (a) section 15(4)(f) of the Acquisition of Land Act 1981, where the determination was made following an application, or
- (b) paragraph 6(4)(f) of Schedule 1 to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(6) The acquiring authority must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

(7) For the purposes of subsections (4) and (5), a statement or a form is “relevant”—

- (a) where the order under section 1 or 3 is made by the Welsh Ministers, if it was prescribed by the Welsh Ministers, or
- (b) where the order under section 1 or 3 is made by the Secretary of State, if it was prescribed by the Secretary of State.

(8) In this section—

the “acquiring authority” means the person authorised to carry out the compulsory acquisition, and

(a) 1992 c.42.

the “appropriate national authority” means—

- (a) where an order authorises the compulsory acquisition of land wholly in England, the Secretary of State,
- (b) where an order authorises the compulsory acquisition of land in both England and Wales, the Secretary of State, and
- (c) where an order authorises the compulsory acquisition of land wholly in Wales, the Welsh Ministers.”

(2) The amendment made by this paragraph applies only where the Secretary of State or the Welsh Ministers determine to make an order under section 1 or 3 of the Transport and Works Act 1992 after this paragraph comes into force.

Planning Act 2008

6.—(1) In section 134 of the Planning Act 2008(a) (notice of authorisation of compulsory acquisition)—

- (a) after subsection (6), insert—

“(6A) The prospective purchaser must send a compulsory acquisition notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.”, and

- (b) in subsection (7), after paragraph (c) insert—

“(cza) in a case where the order applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981—

- (i) containing a prescribed statement about the effect of those Parts, and
- (ii) inviting any person who would be entitled to claim compensation if a declaration were executed under section 4 of that Act to give the prospective purchaser information about the person’s name, address and interest in land, using a prescribed form.”.

(2) The amendments made by this paragraph only apply in relation to an order granting development consent made after this paragraph comes into force.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to Acts of Parliament in relation to compulsory purchase. Regulation 2 introduces the Schedule which contains amendments corresponding to those made by Schedule 15 to the Housing and Planning Act 2016 (c. 22) (“the 2016 Act”).

Schedule 15 to the 2016 Act omits section 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) so that there is no longer a requirement to serve a preliminary notice before making a general vesting declaration. The information previously included in such a notice is, instead, to be included in the confirmation notice of a compulsory purchase order under section 15 of the Acquisition of Land Act 1981 (c.67) (“the 1981 Act”) or (as the case may be) the making notice under paragraph 6 of Schedule 1 to that Act, and is therefore to be given to the same persons as that confirmation or making notice.

The Acts specified in the Schedule to these Regulations contain compulsory purchase powers which do not depend on the 1981 Act for the procedure to make an order authorising the compulsory acquisition of land. The Schedule amends the Acts so as to make provision corresponding to the amendments made by Schedule 15 to the 2016 Act to section 15 of, and paragraph 6 of Schedule 1 to, the 1981 Act.

(a) 2008 c.29; section 134 was amended by the Localism Act 2011 (c. 20), section 142 and Part 21 of Schedule 25.

A full regulatory impact assessment has not been produced for these regulations as no impact on the private or voluntary sectors is foreseen.

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