

2017 No. 936 (C. 81)

ACQUISITION OF LAND, ENGLAND AND WALES

**The Neighbourhood Planning Act 2017 (Commencement No. 2)
Regulations 2017**

Made - - - - *21st September 2017*

The Secretary of State, in exercise of the powers conferred by sections 44 and 46 of the Neighbourhood Planning Act 2017^(a) and section 104 of the Deregulation Act 2015^(b), makes the following Regulations:

Citation

1. These Regulations may be cited as the Neighbourhood Planning Act 2017 (Commencement No. 2) Regulations 2017.

Interpretation

2. In these Regulations—

“the Act” means the Neighbourhood Planning Act 2017;

“compulsory purchase order” has the same meaning as in section 2(1) of the Acquisition of Land Act 1981^(c);

“special enactment” means—

- (a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act; or
- (b) a provision which—
 - (i) is contained in an Act other than a local or private Act, and
 - (ii) authorises the compulsory purchase of land specifically identified in that Act.

Provisions coming into force on 22nd September 2017

3. The following provisions of the Act come into force on 22nd September 2017—

- (a) section 26(8)(b) (consequential amendments to section 172(6) of the Housing and Planning Act 2016^(d));
- (b) section 32 (No-scheme principle);
- (c) section 33 (Repeal of Part 4 of the Land Compensation Act 1961^(e));

(a) 2017 c.20.
(b) 2015 c.20.
(c) 1981 c.67.
(d) 2016 c.22.
(e) 1961 c.33.

- (d) section 34 (Time limit for confirmation notices);
- (e) section 35 (Compensation for disturbance);
- (f) section 36 (Greater London Authority, Mayoral Development Corporations and Transport for London: joint acquisition of land).

Transitional provisions: no-scheme principle and compensation for disturbance

4.—(1) The amendments made by section 32 and section 35 of the Act only apply in relation to a compulsory purchase of land which is authorised on or after 22nd September 2017.

(2) For the purposes of this regulation, a compulsory purchase of land is authorised—

- (a) by a compulsory purchase order, on the day on which the order is—
 - (i) confirmed by a Minister, the Welsh Ministers or another authority; or
 - (ii) made by a Minister or the Welsh Ministers;
- (b) by an order under section 1 or 3 of the Transport and Works Act 1992(a), on the day on which the Secretary of State or the Welsh Ministers determine under section 13(1) of that Act to make the order;
- (c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(b), on the day on which the order is made by a Minister, the Welsh Ministers or a person who is designated in an order made under section 42A(c) of that Act;
- (d) by any other order, on the day on which the order is made by a Minister or the Welsh Ministers; or
- (e) by a special enactment, on the day on which the special enactment is enacted.

Transitory provision: amendment to section 172(6) of the Housing and Planning Act 2016

5. Until section 26(8)(a) of the Act comes into force, the definition of “acquiring authority” in section 172(6)(a) of the Housing and Planning Act 2016 as substituted by section 26(8)(b) of the Act is to be read as if the words “or to take temporary possession of it” were omitted.

Amendment of provisions expressed by reference to commencement

6. In section 32(3) of the Act, in the new section 6E(2)(b) to be inserted into the Land Compensation Act 1961, for “the day on which section 32 of the Neighbourhood Planning Act 2017 (which inserted this section) came into force” substitute “22nd September 2017”.

7. In section 32(3) of the Act, in the new section 6E(2)(c) to be inserted into the Land Compensation Act 1961, for “the day on which that section came into force” substitute “22nd September 2017”.

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

Alok Sharma

Minister of State

21st September 2017

Department for Communities and Local Government

(a) 1992 c.42.

(b) 1964 c.40.

(c) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c.23).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Neighbourhood Planning Act 2017 (c.20) (“the Act”) on 22nd September 2017.

Regulation 3(a) brings into force section 26(8)(b) of the Act which amends the definition of “acquiring authority” in section 172 of the Housing and Planning Act 2016 (c.22) (right to enter and survey land in connection with proposal to acquire land etc.) to clarify its meaning in this context.

Regulation 3(b) brings into force section 32 of the Act which inserts new sections 6A to 6E into the Land Compensation Act 1961 (c.33) (the “1961 Act”) to set out how compensation for land taken by compulsory purchase is assessed, in accordance with the no-scheme principle set out in new section 6A, to replace sections 6 to 9 of the 1961 Act.

Regulation 3(c) brings into force section 33 of the Act which repeals Part 4 of the 1961 Act and related provisions so that a claimant is no longer entitled to claim additional compensation where, within 10 years of the completion of the compulsory purchase by the acquiring authority, a planning decision is made granting consent for additional development on the land.

Regulation 3(d) brings into force section 34 of the Act which amends section 15 of the Acquisition of Land Act 1981 (c.67) by introducing a 6 week statutory time limit for issue of the confirmation notices unless a longer period is agreed in writing between the acquiring authority and the confirming authority.

Regulation 3(e) commences section 35 of the Act which inserts a new section 47 into the Land Compensation Act 1973 (c.26) to bring the assessment of compensation for disturbance for minor and unprotected tenancies into line with that for licensees and protected tenancies.

Regulation 3(f) brings into force section 36 of the Act which amends the Greater London Authority Act 1999 (c.29) to allow the Greater London Authority, a Mayoral Development Corporation, or Transport for London to acquire land authorised by a compulsory purchase order on behalf of the other for a joint project.

Regulation 4 makes transitional provisions in relation to the coming into force of section 32 and section 35 of the Act. The amendments made by these provisions only apply in relation to a compulsory purchase of land which is authorised on or after 22nd September 2017.

Regulation 5 makes transitory provision in relation to the coming into force of section 26(8)(b) of the Act to remove the reference to a proposal to take temporary possession from the substituted definition of “acquiring authority” in section 172 of the Housing and Planning Act 2016 (right to enter and survey land in connection with proposal to acquire land etc.) until the power to take temporary possession of land under section 18(2) of the Act and related provisions in the Act come into force.

Regulations 6 and 7 make amendments to section 32(3) of the Act to replace provisions in new sections 6E(2)(b) and 6E(2)(c), to be inserted into the 1961 Act, expressed by reference to commencement of the Act with 22nd September 2017.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	19th July 2017	2017/767
Section 3	19th July 2017	2017/767
Section 11	19th July 2017	2017/767
Section 12	19th July 2017	2017/767
Section 14	19th July 2017	2017/767

(for the purpose only of making regulations
under section 100ZA of the Town and
Country Planning Act 1990)

Section 16	19th July 2017	2017/767
Sections 29 and 30	19th July 2017	2017/767
Section 37	19th July 2017	2017/767
Section 41	19th July 2017	2017/767

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