Acquisition of Land Act 1981

1981 CHAPTER 67

An Act to consolidate the Acquisition of Land (Authorisation Procedure) Act 1946 and related enactments. [30th October 1981]

Modifications etc. (not altering text)

C1 Act applied (with modifications) by Housing Act 1985 (c. 68, SIF 61), **s. 578**, by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 190(6)**, 201(6), by Housing Act 1988 (c. 50, SIF 61), ss. 77(4), 78(1), **Sch. 10 Pt. I para. 1**, by Electricity Act 1989 (c. 29, SIF 44:1), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, **Sch. 17 para. 35(1)** and by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 1(2), **Sch. 1 Pt. I para. 26(2)(3)**

C2 Act applied by Housing Associations Act 1985 (c. 69, SIF 61), **s. 88(3)**(*a*), by Airports Act 1986 (c. 31, SIF 9), **s. 59(1)**(*a*), by Gas Act 1986 (c. 44, SIF 44:2), s. 9(3), **Sch. 3 Pt. II para. 4**, by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(6), 23(2), 27(2), **Sch. 3 para. 44(4)**, by Water Act 1989 (c. 15, SIF 130), s. 151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**), by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 226(7)**, 228(7), 254(2) and by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9, SIF 123:1), **ss. 47(2)**, 61(2)

C3 Act extended by Airports Act 1986 (c. 31, SIF 9), s. 58, **Sch. 2 para. 1(1)**, by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xlii), **Sch. 8 para. 33** and by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 1(2)(xxvii)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

C4 Act modified by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), **Sch. 7 para. 2** (10)(d), by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 1(10)(ix)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, **35(1)**

C5 Act amended by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 1(11)(v)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, **35(1)** and extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxi)**; S.I. 1996/218, **art. 2**

C6 Power to modify Act conferred (1.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), **ss. 62(5)(b)**, 76(2) (with ss. 67(3)(5)(8))

C7 Act applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 155(4)**, 223(2) (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)

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Act applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 154(4)**, 225(2) (with saving in s. 182 and with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
Act applied (1.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), **ss. 62(3)**, 76(2) (with ss. 67(3)(5)(8), 72(6), 74(3)(4)); Act applied (with modifications) (6.5.1992) by Further and Higher Education Act 1992 (c. 13), **s. 40(6)**; S.I. 1992/831, art. 2, **Sch. 1**
Act applied (with modifications) (10.11.1993) by 1993 c. 28, ss. 162(4), 169, **Sch. 20 Pt. I**; S.I. 1993/2762, **art. 3**.
Act applied (with modifications) (1.1.1994) by 1993 c. 35, **s. 42(6)** (with s. 155(11)); S.I. 1993/3106, art. 4, **Sch.**
Act applied (1.4.1994) by 1993 c. 35, ss. 3, 4, 308(3), **Sch. 1 para. 2(2)**; S.I. 1994/507, art. 4, **Sch. 2**
Act applied (E.W.) (with modifications) (30.10.1994) by S.I. 1994/2716, **art. 98(3)**
Act applied (with modifications) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(11)(d)**; S.I. 1996/218, **art. 2**
Act applied (1.11.1996) by 1995 c. 45, ss. 20, 21, **Sch. 2 para. 3(2)**
Act applied (1.11.1996) by 1996 c. 56, ss. 20, 21, 583(2), **Sch. 2 para. 3(2)** (with s. 1(4)) (which Sch. 2 is prospectively repealed by 1998 c. 31, **ss. 140(1)(3)**, 145(2)-(5) Sch. 30 para. 185, Sch. 31)
Act applied (with modifications) (1.11.1996) by 1996 c. 56, **ss. 205(6)**, 583(2) (with s. 1(4)) (which s. 205 is prospectively repealed by 1998 c. 31, ss. 145(4)(5), 140(1)(3), Sch. 30 para. 70, **Sch. 31**)
Act applied (18.12.1996) by 1996 c. 61, **s. 5(4)**
Act applied (with modifications) (1.10.1998) by Welsh Development Agency Act 1975 (c. 70), **Sch. 4 Pt. I para. 1(1)** (as inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
Act applied (with modifications) (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, ss. 20(4)(5), 43, **Sch. 5 Pt. I**; S.I. 1998/2952, **art. 2**; S.I. 2000/1173, **art. 2(c)**
Act applied (E.) (4.1.2000) and (W.) (prosp.) by 1977 c. 49, **Sch. 5A para. 19(2)** (as inserted (E.) (4.1.2000) and (W.) (prosp.) by 1999 c. 8, ss. 2(2), 67(1), **Sch. 1**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**)
Act applied (3.7.2000) by 1999 c. 29, s. 156(8), **Sch. 11 para. 19(1)(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(c), **Sch. Pt. 3**
Act applied (28.7.2000) by 2000 c. 21, s. 131, **Sch. 8 para. 3(6)**
Act: applied (with modifications) (E.) (2.3.2001) by S.I. 2001/1368, **art. 8**

C8 Act (except ss. 8(4), 32(6)): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

C9 Act extended (26.3.2001) by 2000 c. 26, s. 95, **Sch. 5**, Pt. II para. 4(1); S.I. 2000/2957, art. 2(3), **Sch. 3**

C10 Act applied (26.7.2002) by Education Act 1996 (c. 56), Sch. 35A para. 3(6) (as inserted (26.7.2002) by Education Act 2002 (c. 32), s. 65, Sch. 7 Pt. 1 {para. 1} (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**)

C11 Act applied (with modifications) (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 4 para. 3(4)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

C12 Act applied (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 46**; S.I. 2004/759, art. 2

C13 Act applied by 1994 c. 21, s. 4C(4) (as inserted (1.4.2004) by Water Act 2003 (c. 37), **ss. 85(1)**, 105(3); S.I. 2004/641, art. 3(w) (with Sch. 3 para. 7))

C14 Act applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), **art. 22**

C15 Act applied (coming into force in accordance with s. 208(4) of the amending Act) by National Health Service (Wales) Act 2006 (c. 42), **Sch. 3 para. 27** (with s. 19(3))

C16 Act applied (coming into force in accordance with s. 208(4) of the amending Act) by National Health Service (Wales) Act 2006 (c. 42), **s. 159(5)** (with s. 19(3))

C17 Act applied (coming into force in accordance with s. 208(4) of the amending Act) by National Health Service (Wales) Act 2006 (c. 42), **Sch. 2 para. 20(2)** (with s. 19(3))

C18 Act applied (1.3.2007) by National Health Service Act 2006 (c. 41), **Sch. 3 para. 22(2)**

C19 Act applied (1.3.2007) by National Health Service Act 2006 (c. 41), Sch. 4 para. 27(2)**(3)**

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C20 Act applied (1.3.2007) by National Health Service Act 2006 (c. 41), **s. 211(5)**
C21 Act applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **arts. 30**, 33 (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
C22 Act applied (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 7(6)**
C23 Act applied (with modifications) (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 2 para. 1**; S.I. 2008/3068, art. 2(1)(d) (with arts. 6-13)
C24 Act applied (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), **reg. 34(5)** (with reg. 125)
C25 Act applied by 2010 c. 32, Sch. 1 para. 5(6) (as substituted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 1**; S.I. 2012/84, art. 3 (with art. 5))
C26 Act applied (1.10.2014) by Mobile Homes (Wales) Act 2013 (anaw 6), **ss. 56(9)**, 64(2) (with Sch. 5 para. 7); S.I. 2014/11, art. 3(1)(e)
C27 Act applied by 2004 c. 21, s. 4D(16) (as inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 5**; S.I. 2017/399, reg. 2, Sch. para. 38)
C28 Act applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **s. 49(3)**
C29 Act applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), **reg. 36(6)** (with reg. 138(7))
C30 Act applied (with modifications) (8.12.2017) by The Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017 (S.I. 2017/1074), **art. 8(3)**(4)
C31 Act applied (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **s. 45(3)**
C32 Act: power to amend conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 132**, 255(3)(a) (with s. 247)
C33 Act applied (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), **ss. 43(2)**, **50(13)**, **137(6)**, 212(2) (with ss. 49, 74, Sch. 14 paras. 1-3, 5); S.I. 2024/860, art. 3(a)(b)

Commencement Information
I1 Act wholly in force at 30.1.1982, see s. 35(2)

PART I

GENERAL

Modifications etc. (not altering text)
C34 Pt. 1 applied (with modifications) (12.8.2012) by The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924), arts. 1, **5**, 10

1 Application of Act.

(1) In this Act "compulsory purchase" means a compulsory purchase of land, being—
(a) a compulsory purchase to which this Act applies by virtue of any other enactment, whether or not passed or made before this Act, or
(b) a compulsory purchase under an enactment specified in subsection (2) below.

(2) The enactments referred to in subsection (1)(b) above are—
section 2 of the [M1]Metropolitan Police Act 1886,
section 1(3) of the [M2]Military Lands Act 1892,
sections 25(1) and 39(1) of the [M3]Small Holdings and Allotments Act 1908,

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section 5(1) of the [M4]Development and Road Improvement Funds Act 1909 as it applies to acquisition by local authorities (as defined in section 7(1) of this Act) or the Secretary of State,

[F1] …

[F2] . . .

[[F3]section 530(1) of the Education Act 1996**]**,

[F2] . . .

(3) In this section "enactment" includes any statutory instrument.

Textual Amendments

F1 Words in s. 1(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 3**

F2 Words repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F3 Words in s. 1(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 50** (with ss. 1(4))

Marginal Citations

M1 1886 c. 22.

M2 1892 c. 43.

M3 1908 c. 36.

M4 1909 c. 47.

Compulsory purchase

2 Procedure for authorisation.

(1) The authorisation of a compulsory purchase shall be conferred by an order (in this Act called a "compulsory purchase order").

[[F4](2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister is to be—

(a) made by that authority,

(b) submitted to the confirming authority, and

(c) confirmed in accordance with Part 2 of this Act.**]**

(3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with Schedule 1 to this Act.

Textual Amendments

F4 S. 2(2) substituted (6.4.2018 for specified purposes, 6.4.2019 in so far as not already in force) by Housing and Planning Act 2016 (c. 22), **ss. 181(3)**, 216(3); S.I. 2018/251, reg. 4(b) (with reg. 5); S.I. 2019/427, reg. 3 (with reg. 4)

Modifications etc. (not altering text)

C35 S. 2 excluded by 1975 c. 70, Sch. 4 para. 1(2) (as substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(2), 7, **Sch. 1 para. 33(1)** (with art. 3(1)))

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[F5 2A Tunnels etc

(1) A compulsory purchase order may provide that in the following provisions, a reference to land (however expressed) does not include specified land that is at least 9 metres or more below the surface.

(2) The provisions mentioned in subsection (1) are—

(a) Schedule 2A of the Compulsory Purchase Act 1965 (objection to division of land),

(b) any substituted version of that Schedule that applies by virtue of provision made by or under any Act, and

(c) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (objection to division of land).**]**

Textual Amendments

F5 S. 2A inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 17 para. 9**; S.I. 2017/75, reg. 3(g)

3 Minerals.

Schedule 2 to this Act (exception of minerals from purchases etc.) shall have effect.

4 Assessment of compensation.

(1) In relation to a compulsory purchase the [M5]Land Compensation Act 1961 shall have effect subject to the provisions of this section.

(2) The **[**[F6]Upper Tribunal**]** shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the **[**[F6]Upper Tribunal**]** is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Textual Amendments

F6 Words in s. 4(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 150** (with Sch. 5)

Modifications etc. (not altering text)

C36 S. 4 applied (with modifications) by Water Act 1989 (c. 15, SIF 130), s. 155(3)(4)(7), **Sch. 20 para. 6(1)(b)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

C37 S. 4 applied by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), ss. 2(2), 19, **Sch. 2 Pt. II para. 6**
S. 4 applied (5.11.1993) by 1993 c. 42, s. 5, **Sch. 4 para. 4** (with s. 30(1), Sch. 2 para. 9).

C38 S. 4 modified (13. 2. 1992) by Severn Bridges Act 1992 (c. 3), s. 2(6), **Sch. 2 Pt. II para.5**
S. 4 modified (28.7.1998) by 1998 c. iv, **s. 9** (with s. 41)

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C39 S. 4 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 167, 223(2), **Sch. 11 para. 6(1)(b)** (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
S. 4 applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 168, 225(2), **Sch. 19 para. 6(1)(b)** (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)

C40 S. 4 extended (18.12.1996) by 1996 c. 61, s. 4, **Sch. 4 Pt. III para. 16**

C41 S. 4 applied (12.8.2002) by The Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), **art. 7**

C42 S. 4 applied (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 6 para. 20**

C43 S. 4 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 6 para. 4(1)**

C44 S. 4 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 7 para. 4(1)**

Marginal Citations

M5 1961 c. 33.

Supplemental

5 Local inquiries.

(1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit.

(2) Subsections (2) and (3) of section 250 of the [M6]Local Government Act 1972 (giving of evidence on inquiries) shall apply to a public local inquiry held in pursuance of this Act.

(3) In relation to—

(a) a proposed acquisition of land by an authority other than a Minister, or

(b) the proposed extinction under Part VI of this Act of a right of way over land acquired or proposed to be acquired by an authority other than a Minister,

subsections (4) and (5) of the said section 250 (defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act.

[[F7](4) In relation to each of the matters mentioned in paragraphs (a) and (b) of subsection (3), section 250(5) of the Local Government Act 1972 also applies—

(a) where arrangements are made for a public local inquiry to be held in England in pursuance of this Act but the inquiry does not take place;

(b) to the costs of a party to a public local inquiry held in England in pursuance of this Act who does not attend the inquiry.**]**

Textual Amendments

F7 S. 5(4) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 3**, 35(1); S.I. 2013/1488, art. 3(b) (with art. 8(1))

Marginal Citations

M6 1972 c. 70.

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[F8 5A Power to require information

(1) This section applies to information about land in relation to which an acquiring authority is entitled to exercise a power of compulsory purchase.

(2) The acquiring authority may serve a notice on a person mentioned in subsection (4) requiring him to give to the authority in writing the following information—

(a) the name and address of any person he believes to be an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;

(b) the name and address of any person he believes to have an interest in the land.

(3) The power in subsection (2) is exercisable for the purpose of enabling the acquiring authority to acquire the land.

(4) The persons are—

(a) the occupier of the land;

(b) any person who has an interest in the land either as freeholder, mortgagee or lessee;

(c) any person who directly or indirectly receives rent for the land;

(d) 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.

(5) The notice must specify the period within which the information must be given to the acquiring authority (being a period of not less than 14 days beginning with the day on which the notice is served).

(6) The notice must also specify or describe—

(a) the land,

(b) the compulsory purchase power, and

(c) the enactment which confers the power.

(7) The notice must be in writing.

(8) Section 6(4) does not apply to notices to be served under this section.

Textual Amendments

F8 Ss. 5A, 5B inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 105(2)**; S.I. 2004/2593, art. 2(a)

Modifications etc. (not altering text)

C45 S. 5A power to apply (with modifications) conferred (16.7.2014 for E. for specified purposes, 2.12.2014 for E. in so far as not already in force) by Business Rate Supplements Act 2009 (c. 7), s. 32, **Sch. 2 para. 8(2)(a)** (with s. 31); S.I. 2014/1860, art. 2; S.I. 2014/3200, art. 2

C46 S. 5A modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 7 para. 4(2)**

5B Offences relating to information

(1) A person commits an offence if he fails without reasonable excuse to comply with a notice served on him under section 5A.

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(2) A person commits an offence if, in response to a notice served on him under section 5A—

(a) he gives information which is false in a material particular, and

(b) when he does so, he knows or ought reasonably to know that the information is false.

(3) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) a person purporting to act in any such capacity,

he, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.

(4) The reference in subsection (3) to a director must be construed in accordance with section 331(2) of the Town and Country Planning Act 1990.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.**]**

Textual Amendments

F8 Ss. 5A, 5B inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 105(2)**; S.I. 2004/2593, art. 2(a)

Modifications etc. (not altering text)

C47 S. 5B power to apply (with modifications) conferred (16.7.2014 for E. for specified purposes, 2.12.2014 for E. in so far as not already in force) by Business Rate Supplements Act 2009 (c. 7), s. 32, **Sch. 2 para. 8(2)(b)** (with s. 31); S.I. 2014/1860, art. 2; S.I. 2014/3200, art. 2

6 Service of documents.

(1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of section 7 of the [M7]Interpretation Act 1978 the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made

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and that it is not practicable to ascertain the name or address of an owner, lessee **[**[F9], tenant**]** or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of "owner", "lessee" **[**[F10], "tenant"**]** or "occupier" of the land (describing it) to which it relates, and by delivering it to some person on the **[**[F11]land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land**]**.

Textual Amendments

F9 Word in s. 6(4) inserted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(2)(a)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F10 Word in s. 6(4) inserted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(2)(b)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F11 Words in s. 6(4) substituted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para8; S.I. 1991/2067, **art.3**.

Modifications etc. (not altering text)

C48 S. 6 applied (13. 2. 1992) by British Railways Act 1992 (c. i), **s.17(2)**.

C49 S. 6 applied (with modifications) (18.12.1996) by 1996 c. 61, s. 2, Sch. 2 paras. 6(8), **7(8)**
S. 6 applied (with modifications) (21.7.1994) by 1994 c. xi, **s. 23(2)**(with s. 39)
S. 6 applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 22(b)**(with s. 47)

C50 S. 6 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), Sch. 2 paras. 5(8), **6(8)**

Marginal Citations

M7 1978 c. 30.

Interpretation

7 Interpretation.

(1) In this Act, except where the context otherwise requires—

"acquiring authority", in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,

[[F12]"appropriate website", in relation to a notice about a proposed compulsory purchase, means a website which members of the public could reasonably be expected to find on searching on the internet for information about the scheme or project that underlies the proposed purchase,**]**

"compulsory purchase order" means an order under section 2(1) above,

"confirming authority", in relation to a compulsory purchase, means, where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,

"land"—

(a) includes messuages, tenements and hereditaments, and

(b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,

"local authority" means—

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[F13](a) a billing authority or a precepting authority, as defined in section 69 of the Local Government Finance Act 1992;

(a1) **[**[F14]the London Fire Commissioner;**]**

(aa) **[**[F15]a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;**]**

(b) a levying body within the meaning of section 74 of **[**[F16]the Local Government Finance Act 1988**]** ;

(c) a body as regards which section 75 of that Act applies;

(d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and

(e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple,

"National Trust" means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the [M8]National Trust Act 1907,

"owner" in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years **[**[F17]and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative**]**,

"prescribed": see subsection (2) below.

[[F18]"universal service provider" has the same meaning as in **[**[F19]Part 3 of the Postal Services Act 2011**]** ; and references to the provision of a universal postal service shall be construed in accordance with **[**[F20]that Part**]** .**]**

(2) Anything which, by Part II or III of this Act, or Schedule 1 or 3 of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

[[F21](3) But an instrument containing regulations made for the purposes of section 13A **[**[F22]or 13BA**]** or **[**[F23]section 15A(11) or**]** paragraph 4A **[**[F24]or 4AA**]** of Schedule 1 is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

[[F25](4) So far as anything is required or authorised to be prescribed as mentioned in subsection (2) in relation to orders that fall to be made or confirmed by the Welsh Ministers—

(a) the reference in that subsection to the Secretary of State is to be read as a reference to the Welsh Ministers, and

(b) the reference in subsection (3) to either House of Parliament is to be read as a reference to Senedd Cymru.**]**

Subordinate Legislation Made

P1 s. 7 power exercised by S.I. 1982/6, 1990/613

Textual Amendments

F12 Words in s. 7(1) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55),

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ss. 181(2), 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F13 S. 7(1): in definition of "local authority" paras. (a)(aa) substituted (2.11.1992) for para. (a) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 52**; S.I. 1992/2454, **art. 2**

F14 Words in s. 7(1) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 63**; S.I. 2018/227, **reg. 4(c)**

F15 Words in s. 7(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, Sch. 1 para. 53(1)**(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F16 Words in s. 7(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, Sch. 1 para. 53(1)**(3)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F17 Words in s. 7 (definition of "owner") inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 9**; S.I. 1991/2067, **art. 3**

F18 S. 7(1): definition of "universal service provider" inserted (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, **arts. 1**, 54(2)

F19 Words in s. 7(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 110(a)**; S.I. 2011/2329, art. 3

F20 Words in s. 7(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 110(b)**; S.I. 2011/2329, art. 3

F21 S. 7(3) added (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(3)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F22 Words in s. 7(3) inserted (2.12.2025) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 3(2)(a)(i)** (with s. 247); S.I. 2025/1262, reg. 2(1)(d)

F23 Words in s. 7(3) inserted (31.3.2024 for W. for specified purposes, 30.4.2024 for E.) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 190(1)(a)**, 255(7) (with s. 247); S.I. 2024/92, reg. 4 (with reg. 6(6)); S.I. 2024/389, reg. 2(l)

F24 Words in s. 7(3) inserted (2.12.2025) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 3(2)(a)(ii)** (with s. 247); S.I. 2025/1262, reg. 2(1)(d)

F25 S. 7(4) inserted (2.12.2025) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 18 para. 3(2)(b)** (with s. 247); S.I. 2025/1262, reg. 2(1)(d)

Marginal Citations

M8 1907 c. cxxxvi

8 Statutory undertakers.

(1) In this Act, unless the context otherwise requires, "statutory undertakers" means—

(a) any person authorised by any enactment to construct, work or carry on—

(i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or

(ii) any dock, harbour, pier or lighthouse undertaking, or

(iii) any undertaking for the supply of . . . [F26], . . . [F27], **[**[F28]or hydraulic power**]**, or

(b) . . . . . [F29] the Civil Aviation Authority **[**[F30]or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)**]**, or

(c) **[**[F31]a universal service provider in connection with the provision of a universal postal service**]** . . . [F32],

and in this subsection "enactment" means any Act or any order or scheme made under or confirmed by an Act.

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[[F33](1ZA) The undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaking for the purposes of this Act except to the extent that it is the person's undertaking as licence holder; and references in this Act to the person's undertaking shall be construed accordingly.**]**

[[F34](1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.**]**

(2) . . . . . [F35]

(3) In this Act "the appropriate Minister" means, in relation to any statutory undertakers, the Secretary of State.

(4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

Textual Amendments

F26 Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18**

F27 Word repealed by Gas Act 1986 (c. 44, SIF 44:1, 2), s. 67(4), **Sch. 9 Pt. I**

F28 Words substituted by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 65** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

F29 Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

F30 Words in s. 8(1)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. para 5(a)(i)**

F31 Words in s. 8(1)(c) substituted (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, **arts. 1(3)**, 54(3)(a)

F32 Words repealed by Telecommunications Act 1984 (c. 12, SIF 96), Sch. 4 para. 3(1), s. 109(1)(4)(6), **Sch. 5 para. 45** and Sch. 7 Pt. I

F33 S. 8(1ZA) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. para. 5(a)(ii)**

F34 S. 8(1A) inserted (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, **arts. 1(3)**, 54(3)(b)

F35 S. 8(2) repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

9 Land held inalienably.

For the removal of doubt it is hereby declared that any power conferred—

(a) under this Act, or

(b) by or under the Acquisition of Land (Authorisation Procedure) Act 1946, or any enactment passed before the commencement of that Act,

to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

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PART II

PURCHASES BY LOCAL AND OTHER AUTHORITIES

Modifications etc. (not altering text)

C51 Pts. 2, 3 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), arts. 1, **11**

C52 Pt. 2 applied by 1975 c. 70, Sch. 4 para. 1(2)(b) (as substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(2), 7, **Sch. 1 para. 33(1)** (with art. 3(1)))

C53 Pt. 2 restricted (1.3.2007) by National Health Service Act 2006 (c. 41), s. 277(1), **Sch. 3 para. 22(3)**

C54 Pt. 2 restricted (coming into force in accordance with s. 208(4) of the amending Act) by National Health Service (Wales) Act 2006 (c. 42), s. 208(1), **Sch. 2 para. 20(3)** (with s. 19(3))

C55 Pt. 2 incorporated (with modifications) (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **24** (with arts. 51, 57)

C56 Pts. 2, 3 incorporated (with modifications) (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **22** (with art. 32, Sch. 9 para. 36)

C57 Parts II-IV applied (31.10.1994) by Opencast Coal Act 1958 c. 69, **s. 16(4A)** as substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 14(5)**(with s. 40(7)); S.I. 1994/2553, **art. 2**
Pt. II (ss. 10-15) restricted (E.) (4.1.2000) and (W.) (*prosp.*) by 1977 c. 49, **Sch. 5A para. 19(3)** (as inserted (E.) (4.1.2000) and (W.) (*prosp.*) by 1999 c. 8, ss. 2(2), 67(1), **Sch. 1**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**)

10 Preliminary.

(1) This Part of this Act has effect except where a Minister is the acquiring authority.

(2) The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.

(3) Before submitting the order to the confirming authority the acquiring authority shall comply with sections 11 and 12 below.

Notices prior to submission of order to confirming authority

11 [F36Notices in newspapers.][F36Public notices]

(1) The acquiring authority shall—

[F37(a)**]** in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the order is situated **[F38**, and

(b) for a period of at least 21 days ending with the day specified under subsection (2)(d), publish a notice in the prescribed form on an appropriate website.**]**

(2) The **[F39**notice**][F39**notices**]** shall—

(a) state that the order has been made and is about to be submitted for confirmation,

(b) describe the land and state the purpose for which the land is required,

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(c) name a place within the locality where a copy of the order and of the map referred to therein may be inspected, **[**[F40]and**]**

[[F41](ca) specify a website on which those copies may be viewed, and**]**

[[F42](d) specify the final day for making objections to the order, and the manner in which objections can be made.**]**

[[F43](2ZA) In the case of a notice under subsection (1)(a), the requirement in subsection (2)(b) to describe the land may be met by briefly identifying the land (by giving its postal address or otherwise).**]**

[[F44](2A) If the confirming authority is satisfied that, because of special circumstances, it is impracticable for the acquiring authority to make the copies referred to in subsection (2)(c) available for inspection at an appropriate place, the confirming authority may direct that the requirement in subsection (2)(c) (together with that in section 12(1)(ba)) is not to apply.**]**

[[F45](3) In addition, the acquiring authority shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the order.

(4) The notice under subsection (3) must—

(a) be addressed to persons occupying or having an interest in the land, and

(b) set out each of the matters mentioned in subsection (2) **[**[F46](but reading the reference there to first publication of the notice as a reference to the day when the notice under subsection (3) is first affixed)**]**.**]**

Textual Amendments

F36 S. 11 heading substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(a)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F37 Words in s. 11(1) renumbered as s. 11(1)(a) (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(b)(i)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F38 S. 11(1)(b) and word inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(b)(ii)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F39 Word in s. 11(2) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(c)(i)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F40 Word in s. 11(2)(c) omitted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(c)(ii)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F41 S. 11(2)(ca) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(c)(iii)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F42 S. 11(2)(d) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss.**

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181(3)(c)(iv), 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F43 S. 11(2ZA) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 106(2)**, 118(5)(b) (with s. 116); S.I. 2025/1370, reg. 3(1)(a)

F44 S. 11(2A) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(d)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F45 S. 11(3)(4) added (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(4)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F46 Words in s. 11(4)(b) omitted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(3)(e)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

12 Notices to owners, lessees [F47, occupiers and others].

(1) The acquiring authority shall serve on every **[**F48qualifying person**]** a notice in the prescribed form—

(a) stating the effect of the order,

(b) stating that it is about to be submitted for confirmation, **[**F49and**]**

[F50(ba) (subject to section 11(2A)) naming a place within the locality where a copy of the order and of the map referred to in it may be inspected,

(bb) specifying a website on which those copies may be viewed, and**]**

[F51(c) specifying the final day for making objections to the order, and the manner in which objections can be made.**]**

(2) **[**F52A person is a qualifying person, in relation to land comprised in an order, if—

(a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, F53...

(b) he falls within subsection (2A) **[**F54, or

(c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of Part 7 of the Environment Act 2021) relating to the land.**]**

(2A) A person falls within this subsection if he is—

(a) a person to whom the acquiring authority would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or

(b) a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection).**]**

(3) Where under this section any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the **[**F55Church Commissioners**][**F55Diocesan Board of Finance for the diocese in which the land is situated**]** .

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In this subsection "ecclesiastical property" means land belonging to any ecclesiastical benefice **[**[F56]of the Church of England**]** , or being or forming part of a church subject to the jurisdiction of the bishop of any diocese **[**[F56]of the Church of England**]** or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction **[**[F57]**[**[F58]or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976**]]**.

Textual Amendments

F47 Words in s. 12 heading substituted (30.9.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 2(2)** (with s. 144); S.I. 2022/48, reg. 5(d)

F48 Words in s. 12(1) substituted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(5)(a)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F49 Word in s. 12(1)(b) omitted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(4)(a)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F50 S. 12(1)(ba)(bb) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(4)(b)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F51 S. 12(1)(c) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(4)(c)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F52 S. 12(2)-(2B) substituted for s. 12(2) (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(5)(b)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F53 Word in s. 12(2)(a) omitted (30.9.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 2(3)(a)** (with s. 144); S.I. 2022/48, reg. 5(d)

F54 S. 12(2)(c) and word inserted (30.9.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 2(3)(b)** (with s. 144); S.I. 2022/48, reg. 5(d)

F55 Words in s. 12(3) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 24(1)(a)**; 2006 No. 2, Instrument made by Archbishops

F56 Words in s. 12(3) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 24(1)(b)**; 2006 No. 2, Instrument made by Archbishops

F57 Words in s. 12(3) added (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 27**; S.I. 1991/2067, **art. 3**.

F58 Words in s. 12(3) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 24(1)(c)**; 2006 No. 2, Instrument made by Archbishops

Modifications etc. (not altering text)

C58 S. 12 modified by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 50(3)**

C59 S. 12(2) and (3) applied (31.10.1994) by 1958 c. 69, **s. 16(7A)** as inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 14(9)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

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[F59 12A Final day for making objections

(1) For the purposes of sections 11 and 12, the day specified as the final day for making objections must be the last day, or a day after the last day, of the period of 21 days beginning with the first day at the beginning of which the acquiring authority expects that all of the following conditions will be satisfied.

(2) The conditions are that—

(a) a notice has been published for the first time as required by section 11(1)(a),

(b) publication as required by section 11(1)(b) has begun,

(c) a notice has been affixed as required by section 11(3), and

(d) a notice has been served on every qualifying person as required by section 12(1).**]**

Textual Amendments

F59 S. 12A inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(5)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

Confirmation of order

[F60 13 Confirmation of order: no objections

(1) The confirming authority may confirm a compulsory purchase order with or without modifications if it is satisfied—

(a) that the notice requirements have been complied with, and

(b) that one of the conditions in subsection (2) is satisfied.

(2) The conditions are—

(a) no relevant objection is made;

(b) every relevant objection made is either withdrawn or disregarded.

(3) The confirming authority may require every person who makes a relevant objection to state the grounds of the objection in writing.

(4) If the confirming authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.

(5) The notice requirements are the requirements under sections 11 and 12 to publish, affix and serve notices in connection with the compulsory purchase order.

(6) A relevant objection is an objection by a person who is a qualifying person for the purposes of section 12(2), but if such a person qualifies only by virtue of section 12(2A)(b) and the confirming authority thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.

(7) Disregarded means disregarded under subsection (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.

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Textual Amendments

F60 Ss. 13-13C substituted for s. 13 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(6)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

13A Confirmation of order: remaining objections

(1) This section applies to the confirmation of a compulsory purchase order if a relevant objection is made which is neither—

(a) withdrawn, nor

(b) disregarded,

(a remaining objection).

[The confirming authority must cause a public local inquiry to be held if—

F61(1A) (a) the order is subject to special parliamentary procedure, or

(b) in the case of an order to which section 16 applies, a certificate has been given under subsection (2) of that section.

(1B) If subsection (1A) does not apply, the confirming authority must either—

(a) cause a public local inquiry to be held, or

(b) follow the representations procedure.

(1C) In deciding between those options, the confirming authority must have regard to the scale and complexity of what is proposed by the order.

(1D) The representations procedure is a procedure to be prescribed.

(1E) The regulations prescribing the procedure must include—

(a) provision enabling each person who has made a remaining objection to make representations—

(i) in writing to the confirming authority, or

(ii) if the person so requests, at a hearing, and

(b) provision enabling the acquiring authority, and any other person the confirming authority thinks appropriate, to make representations—

(i) in writing to the confirming authority, or

(ii) if applicable, at a hearing held as mentioned in paragraph (a)(ii).

(1F) The regulations may provide for hearings to be held by the confirming authority or by a person appointed by the confirming authority.

(1G) In subsection (1E), "representations" means representations as to whether the order should be confirmed.

(1H) Before confirming the order, the confirming authority must consider—

(a) each remaining objection;

(b) if a public local inquiry was held, the report of the person who held it;

(c) if the representations procedure was followed and the confirming authority held a hearing, the representations made at the hearing;

(d) if the representations procedure was followed and a person appointed by the confirming authority held a hearing, the report of that person;

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(e) if the representations procedure was followed and written representations were made, those representations.

(1I) The confirming authority may confirm the order with or without modifications.**]**

(7) Relevant objection and disregarded must be construed in accordance with section 13.

Textual Amendments

F60 Ss. 13-13C substituted for s. 13 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(6)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F61 S. 13A(1A)-(1I) substituted for s. 13A(2)-(6) (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(2)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

13B [F62Written] representations procedure: supplementary

(1) This section applies where the confirming authority decides under section 13A to follow the **[**F63written**]** representations procedure.

(2) The confirming authority may make orders as to the costs of the parties to the **[**F64written**]** representations procedure, and as to which party must pay the costs.

(3) An order under subsection (2) may be made a rule of the High Court on the application of any party named in the order.

(4) The costs incurred by the confirming authority in connection with the **[**F65written**]** representations procedure must be paid by the acquiring authority, if the confirming authority so directs.

(5) The confirming authority may certify the amount of its costs, and any amount so certified and directed to be paid by the acquiring authority is recoverable summarily by the confirming authority as a civil debt.

(6) Section 42(2) of the Housing and Planning Act 1986 (recovery of Minister's costs in connection with inquiries) applies to the **[**F66written**]** representations procedure as if the procedure is an inquiry specified in section 42(1) of that Act.

(7) Regulations under section **[**F67 13A(6)**][**F67 13A(1D)**]** may make provision as to the giving of reasons for decisions taken in cases where the **[**F68written**]** representations procedure is followed.

Textual Amendments

F60 Ss. 13-13C substituted for s. 13 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(6)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F62 Word in s. 13B heading omitted (31.3.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(a)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

F63 Word in s. 13B(1) omitted (31.3.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(b)(i)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

F64 Word in s. 13B(2) omitted (31.3.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(b)(ii)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

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F65 Word in s. 13B(4) omitted (31.3.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(b)(iii)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

F66 Word in s. 13B(6) omitted (31.3.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(b)(iv)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

F67 Word in s. 13B(7) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(c)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

F68 Word in s. 13B(7) omitted (31.3.2024 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(3)(b)(v)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

[F69 13BA Conditional confirmation

(1) The confirming authority may confirm a compulsory purchase order conditionally.

(2) The effect of conditional confirmation is that the order—

(a) does not become operative until the confirming authority has decided, on an application by the acquiring authority, that certain conditions have been met, and

(b) expires if the confirming authority—

(i) has not received an application for the purposes of subsection (2)(a) by a certain time, or

(ii) having received such an application by that time, decides that the conditions have not been met.

(3) The conditions and the time are to be specified by the confirming authority when it confirms the order.

(4) The procedure to be followed in relation to an application under this section is to be prescribed.

(5) The regulations prescribing the procedure must include provision for each relevant objector—

(a) to be given notice of the application (or for steps to be taken with a view to notifying them), and

(b) to have the opportunity to make written representations in response to the application.

(6) In subsection (5), "relevant objector" means a person who made an objection to the order that—

(a) was a remaining objection for the purposes of section 13A, and

(b) had not been withdrawn by the time the order was confirmed.

(7) The regulations may include provision as to the giving of reasons for the decision on the application.

(8) Subsections (2) to (6) of section 13B apply to proceedings on an application under this section as they apply to the representations procedure.]

Textual Amendments

F60 Ss. 13-13C substituted for s. 13 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(6)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

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F69 S. 13BA inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(2)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

13C Confirmation in stages

(1) The confirming authority may confirm an order (with or without modifications) so far as it relates to part of the land comprised in the order (the "relevant part") if each of the conditions in subsection (2) is met.

(2) The conditions are—

(a) the confirming authority is satisfied that the order ought to be confirmed so far as it relates to the relevant part but has not for the time being determined whether the order ought to be confirmed so far as it relates to the remaining part;

(b) the confirming authority is satisfied that the notice requirements have been complied with.

(3) If there is a remaining objection in respect of the order, the confirming authority may only act under subsection (1) after complying with section **[**[F70]13A(2) or (3)**][**[F70]13A(1A) or (1B)**]** (as the case may be).

(4) But it may act under subsection (1) without complying with those provisions if it is satisfied that all remaining objections relate solely to the remaining part of the land.

(5) If the confirming authority acts under subsection (1)—

(a) it must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;

(b) the order so far as it relates to each part of the land must be treated as a separate order.

(6) The notices to be published, affixed and served under section 15 must include a statement as to the effect of the direction given under subsection (5)(a).

(7) Notice requirements must be construed in accordance with section 13.

(8) Remaining objection must be construed in accordance with section 13A.**]**

Textual Amendments

F60 Ss. 13-13C substituted for s. 13 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(6)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F70 Words in s. 13C(3) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(4)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

[[F71]13D Power to extend time limit for implementation

(1) The confirming authority may, when it confirms a compulsory purchase order, include provision in the order specifying a period longer than three years for the purposes of section 4 of the Compulsory Purchase Act 1965 (time limit for notice to treat) and section 5A of the Compulsory Purchase (Vesting Declarations) Act 1981 (time limit for general vesting declaration).

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(2) No such provision is to be included by the acquiring authority in the order submitted for confirmation.**]**

Textual Amendments

F71 S. 13D inserted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 185(1)(a)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(l) (with reg. 6(1))

14 Land not originally included in order.

The order as confirmed by the confirming authority shall not, unless all persons interested consent, authorise the acquiring authority to purchase compulsorily any land which the order would not have authorised that authority to purchase compulsorily if it had been confirmed without modification.

[F72 14A Confirmation by acquiring authority

(1) The power to confirm an order may be exercised by the acquiring authority (instead of the confirming authority) if—

(a) the confirming authority has notified the acquiring authority to that effect, and

(b) the notice has not been revoked.

(2) But this section does not apply to an order in respect of land—

(a) falling within section 16(1) or paragraph 3(1) of Schedule 3, or

(b) forming part of a common, open space or fuel or field garden allotment for the purposes of section 19.

F73 **[** (2A) Nor does it apply to an order directing that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (see section 15A).**]**

(3) The confirming authority may give notice under subsection (1) if it is satisfied—

(a) that the notice requirements have been complied with,

(b) that no objection has been made in relation to the proposed confirmation or that all objections have been withdrawn, and

(c) that the order is capable of being confirmed without modification.

(4) An objection is an objection made by any person (whether or not a person mentioned in section 12(2)), including an objection which is disregarded.

(5) The power to confirm an order under subsection (1) does not include any power—

(a) to confirm the order with modifications, or

(b) to confirm only a part of the order.

(6) The acquiring authority must notify the confirming authority as soon as reasonably practicable after it has determined whether or not to confirm the order.

(7) The confirming authority may revoke a notice given by it under subsection (1).

(8) But a notice may not be revoked if the determination has already been made and notified by the acquiring authority under subsection (6).

(9) An order confirmed by the acquiring authority under subsection (1) is to have the same effect as if it were confirmed by the confirming authority.

(10) Notices under this section must be in writing.

(11) Notice requirements and disregarded must be construed in accordance with section 13.**]**

Textual Amendments

F72 S. 14A inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 102(2)** (with s. 102(3)); S.I. 2004/2593, art. 2(a)

F73 S. 14A(2A) inserted (31.3.2024 for W. for specified purposes, 30.4.2024 for E.) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 190(1)(b)**, 255(7) (with s. 247); S.I. 2024/92, reg. 4 (with reg. 6(6)); S.I. 2024/389, reg. 2(l)

[F74 14B Timetables for confirmation of CPOs except by Welsh Ministers

(1) The Secretary of State must publish one or more timetables in relation to steps to be taken by confirming authorities, other than the Welsh Ministers, in confirming a compulsory purchase order.

(2) Different timetables may be published in relation to—
  (a) different confirming authorities, or
  (b) different types of compulsory purchase order.

(3) The Secretary of State may at any time revise a timetable published under this section.

(4) The validity of an order is not affected by any failure to comply with a timetable published under this section.

(5) The Secretary of State must lay before Parliament an annual report showing the extent to which confirming authorities have complied with any applicable timetable published under this section.

(6) A report laid by the Secretary of State under this section need not include information about a confirming authority if the number of compulsory purchase orders submitted to it is lower than a minimum specified by the Secretary of State in the report.

Textual Amendments

F74 Ss. 14B, 14C inserted (6.4.2018) by Housing and Planning Act 2016 (c. 22), **ss. 180**, 216(3); S.I. 2018/251, reg. 4(a) (with reg. 5)

14C Timetables for confirmation of CPOs by Welsh Ministers

(1) The Welsh Ministers may publish one or more timetables in relation to steps to be taken by them in confirming a compulsory purchase order.

(2) Different timetables may be published in relation to different types of compulsory purchase order.

(3) The Welsh Ministers may at any time revise a timetable published under this section.

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(4) The validity of an order is not affected by any failure to comply with a timetable published under this section.

(5) The Welsh Ministers must lay before the National Assembly for Wales an annual report showing the extent to which they have complied with any applicable timetable published under this section.**]**

Textual Amendments

F74 Ss. 14B, 14C inserted (6.4.2018) by Housing and Planning Act 2016 (c. 22), **ss. 180**, 216(3); S.I. 2018/251, reg. 4(a) (with reg. 5)

[F75 14D Power to appoint inspector

(1) A confirming authority may appoint a person ("an inspector") to act instead of it in relation to the confirmation of a compulsory purchase order to which section 13A applies.

(2) An inspector may be appointed to act in relation to—
- (a) a specific compulsory purchase order, or
- (b) a description of compulsory purchase orders.

(3) An inspector—
- (a) has the same functions as a confirming authority under this Part (excluding this section),
- (b) retains those functions even if all remaining objections are withdrawn after the inspector has begun to act in relation to a compulsory purchase order, and
- (c) may hold a public local inquiry under section **[**F76 13A(3)(a) or act as the person appointed to hear remaining objections under section 13A(3)(b)**][**F76 13A**]**.

(4) Where an inspector is to act in relation to a compulsory purchase order, the confirming authority must inform—
- (a) every person who has made a remaining objection, and
- (b) the acquiring authority.

(5) Where an inspector decides whether or not to confirm the whole or part of a compulsory purchase order, the inspector's decision is to be treated as that of the confirming authority.

(6) The confirming authority may at any time—
- (a) revoke its appointment of an inspector, and
- (b) appoint another inspector.

(7) If the confirming authority revokes its appointment of an inspector while the inspector is acting in relation to a compulsory purchase order and does not replace the inspector, the authority must give its reasons—
- (a) to the inspector whose appointment has been revoked, and
- (b) to all those informed under subsection (4).

(8) Where in any enactment there is a provision that applies in relation to a confirming authority acting under this Part, that provision is to be read as applying equally in relation to an inspector so far as the context permits.

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(9) In this section "remaining objection" is to be construed in accordance with section 13A.**]**

Textual Amendments

F75 S. 14D inserted (6.4.2018 for specified purposes, 6.4.2019 in so far as not already in force) by Housing and Planning Act 2016 (c. 22), **ss. 181(2)**, 216(3); S.I. 2018/251, reg. 4(b) (with reg. 5); S.I. 2019/427, reg. 3 (with reg. 4)

F76 Word in s. 14D(3)(c) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 182(5)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(i)

[F77 15 Notices after confirmation of order

(1) After the order has been confirmed, the acquiring authority must—

(a) serve a confirmation notice and a copy of the order as confirmed on each person on whom a notice was required to be served under section 12, and

(b) affix a confirmation notice to a conspicuous object or objects on or near the land comprised in the order.

(2) The notice under subsection (1)(b) must—

(a) be addressed to persons occupying or having an interest in the land;

(b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the **[F78**date when the order becomes operative**][F78**day on which the authority takes the final step needed to comply with subsection (1)(a)**]**.

(3) **[F79**Unless the order was confirmed conditionally,**]** The acquiring authority must also publish a confirmation notice—

[F80(a)**]** in one or more local newspapers circulating in the locality in which the land comprised in the order is situated **[F81**, and

(b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the authority takes the final step needed to comply with subsection (1)(a).**]**

[F82(3A) The acquiring authority must comply with subsections (1) and **[F83**(3)**][F83**(3)(a)**]** before the end of—

(a) the period of 6 weeks beginning with the day on which the order is confirmed, or

(b) such longer period beginning with that day as may be agreed in writing between the acquiring authority and the confirming authority.

(3B) If the acquiring authority fails to comply with subsections (1) and **[F84**(3)**][F84**(3)(a)**]** in accordance with subsection (3A), **[F85**or with subsection (3)(b),**]** the confirming authority may—

(a) take any steps that the acquiring authority was required but has failed to take to comply with those subsections, and

(b) recover the reasonable costs of doing so from the acquiring authority.**]**

(4) A confirmation notice is a notice—

(a) describing the land;

(b) stating that the order has been confirmed;

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[F86] **[** (ba) if the order was confirmed conditionally, stating the conditions and time specified under section 13BA(3);**]**

(c) (except in the case of a notice under subsection (1)(a)) naming a place where a copy of the order as confirmed and of the map referred to there may be inspected at all reasonable hours;

[F87] **[** (ca) specifying a website on which those copies may be viewed;**]**

(d) that a person aggrieved by the order may apply to the High Court as mentioned in section 23.

[F88] **[** (e) containing a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981;

(f) 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.**]**

[F89] **[** (4ZA) In the case of a notice under subsection (3)(a), the requirement in subsection (4)(a) to describe the land may be met by briefly identifying the land (by giving its postal address or otherwise).**]**

[F90] **[** (4A) If the confirming authority is satisfied that, because of special circumstances, it is impracticable for the acquiring authority to make the copies referred to in subsection (4)(c) available for inspection at an appropriate place, the confirming authority may direct that the requirement in subsection (4)(c) is not to apply.**]**

[F91] **[** (4B) If the order was confirmed conditionally and the confirming authority decides under section 13BA that the conditions have been met, the acquiring authority must serve—

(a) a copy of the order, and

(b) a fulfilment notice,

on each person on whom a notice was required to be served under section 12.

(4C) Where subsection (4B) applies, the acquiring authority must also—

(a) affix a fulfilment notice to a conspicuous object or objects on or near the land comprised in the order, and

(b) publish a fulfilment notice—

(i) in one or more local newspapers circulating in the locality in which the land comprised in the order is situated, and

(ii) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the acquiring authority takes the final step needed to comply with subsection (4B).

(4D) The acquiring authority must comply with subsections (4B) and (4C)(a) and (b)(i) before the end of—

(a) the period of 6 weeks beginning with the day on which the decision under section 13BA is made, or

(b) such longer period beginning with that day as may be agreed in writing between the acquiring authority and the confirming authority.

(4E) If the acquiring authority fails to comply with those provisions before the end of that period, or fails to comply with subsection (4C)(b)(ii), the confirming authority may—

(a) take any steps that the acquiring authority was required but has failed to take to comply, and

(b) recover the reasonable costs of doing so from the acquiring authority

(4F) A fulfilment notice is a notice—

(a) stating that the conditions subject to which the order was confirmed have been met and that the order will therefore become operative, and

(b) annexing the information that was contained in the confirmation notice **[**[F92]except that, in the case of a fulfilment notice under subsection (4C)(b)(i), the requirement to annex a description of the land (see subsection (4)(a)) may be met by briefly identifying the land (by giving its postal address or otherwise).**]]**

(5) A confirmation notice **[**[F93]or fulfilment notice**]** must be in the prescribed form.

[F94](6) **[** The acquiring authority must send the confirmation notice **[**[F95], and any fulfilment notice,**]** to the Chief Land Registrar and **[**[F96]it**][**[F96]each such notice**]** shall be a local land charge.**]]**

Textual Amendments

F77 S. 15 substituted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 100(7)** (with s. 100(8)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F78 Words in s. 15(2)(b) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(a)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

F79 Words in s. 15(3) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(b)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

F80 Words in s. 15(3) renumbered as s. 15(3)(a) (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 181(6)(a)(i)**, 255(7) (with s. 247); S.I. 2024/92, **reg. 2(j)**; S.I. 2024/389, **reg. 3(a)** (with reg. 4); S.I. 2025/1262, **reg. 2(1)(a)(2)** (with reg. 3)

F81 S. 15(3)(b) and word inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(6)(a)(ii)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F82 S. 15(3A)(3B) inserted (22.9.2017) by Neighbourhood Planning Act 2017 (c. 20), **ss. 34(1)**, 46(1) (with s. 34(2)); S.I. 2017/936, reg. 3(d)

F83 Word in s. 15(3A) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(6)(b)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F84 Word in s. 15(3B) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(6)(c)(i)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F85 Words in s. 15(3B) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(6)(c)(ii)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F86 S. 15(4)(ba) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(c)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

F87 S. 15(4)(ca) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(6)**

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(d), 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F88 S. 15(4)(e)(f) inserted (1.10.2016 for specified purposes, 3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 15 para. 2(2)**; S.I. 2016/956, reg. 2(b)(i); S.I. 2017/75, reg. 3(i); S.I. 2017/281, reg. 4(j)

F89 S. 15(4ZA) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 106(3)(a)**, 118(5)(b) (with s. 116); S.I. 2025/1370, reg. 3(1)(a)

F90 S. 15(4A) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(6)(e)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

F91 S. 15(4B)-(4F) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(d)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

F92 Words in s. 15(4F)(b) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 106(3)(b)**, 118(5)(b) (with s. 116); S.I. 2025/1370, reg. 3(1)(a)

F93 Words in s. 15(5) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(e)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

F94 S. 15(6) inserted (3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 15 para. 2(3)**; S.I. 2017/75, reg. 3(i) (with reg. 5); S.I. 2017/281, reg. 4(j)

F95 Words in s. 15(6) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(f)(i)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

F96 Words in s. 15(6) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 183(3)(f)(ii)**, 255(7) (with s. 247); S.I. 2024/389, reg. 2(j)

Modifications etc. (not altering text)

C60 S. 15 modified (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 para. 2(2)**; S.I. 1993/2762, **art. 3**.

[F97 Special provision about compensation

Textual Amendments

F97 S. 15A and cross-heading inserted (31.3.2024 for W. for specified purposes, 30.4.2024 for E.) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 190(1)(c)**, 255(7) (with s. 247); S.I. 2024/92, reg. 4 (with reg. 6(6)); S.I. 2024/389, reg. 2(l)

15A Directions applying section 14A of the Land Compensation Act 1961

(1) Subsection (2) applies if—

(a) an acquiring authority submits a compulsory purchase order for confirmation, and

(b) the authorising enactment is listed in Schedule 2A.

(2) The acquiring authority may include in the order a direction that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored); and if it does so the following provisions of this section apply.

(3) The acquiring authority must submit to the confirming authority a statement of commitments together with the order.

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(4) A "statement of commitments" is a statement of the acquiring authority's intentions as to what will be done with the project land should the acquisition proceed, so far as the authority relies on those intentions in contending that the direction is justified in the public interest.

(5) If the authorising enactment is listed in any of paragraphs **[**[F98]A1 or**]** 2 to 7 of Schedule 2A, those intentions must include the provision of a certain number of units of affordable housing.

(6) The statement under section 12(1)(a) must include a statement of the effect of the direction; and paragraphs (ba) and (bb) of the same subsection apply in respect of the statement of commitments as they apply in respect of the compulsory purchase order.

(7) The confirming authority may permit the acquiring authority to amend the statement of commitments before the decision whether to confirm the order is made.

(8) But the confirming authority may do so—

(a) only if satisfied that the amendment would not be unfair to any person who made or could have made a relevant objection for the purposes of section 13, and

(b) if the authorising enactment is listed in any of paragraphs **[**[F99]A1 or**]** 2 to 7 of Schedule 2A, only if the statement of commitments as amended will still comply with subsection (5).

(9) If the confirming authority decides to confirm the order in accordance with the applicable provisions of this Part—

(a) it may confirm the order with the direction included if satisfied that the direction is justified in the public interest;

(b) otherwise, it must modify the order so as to remove the direction.

(10) If the order is confirmed with the direction included, a confirmation notice under section 15 must (in addition to the matters set out in subsection (4) of that section)—

(a) state the effect of the direction,

(b) explain how the statement of commitments may be viewed, and

(c) explain that additional compensation may become payable if the statement of commitments is not fulfilled.

(11) In this section—

"the authorising enactment" means the enactment that confers the power to make the compulsory purchase to which the order in question relates;

"the project land" means—

(a) the land proposed to be acquired further to the compulsory purchase order, and

(b) any other land that the acquiring authority intends to be used in connection with that land;

"unit of affordable housing" means a building or part of a building that is constructed or adapted for use as a separate dwelling and—

(a) in the case of a building in England, is to be used as—

(i) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or

(ii) housing of any other description that is prescribed, or

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(b) in the case of a building in Wales, is to be used as housing of a description that is prescribed.**]**

Textual Amendments

F98 Words in s. 15A(5) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 113(4)(a)**, 118(5)(g)(ii) (with s. 116); S.I. 2025/1370, reg. 3(1)(d)

F99 Words in s. 15A(8)(b) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 113(4)(b)**, 118(5)(g)(ii) (with s. 116); S.I. 2025/1370, reg. 3(1)(d)

PART III

SPECIAL KINDS OF LAND

Modifications etc. (not altering text)

C61 Pt. 3 incorporated (with modifications) (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **24** (with arts. 51, 57)

C62 Pt. III (ss. 16–22) applied (with modifications) by Water Act 1989 (c. 15, SIF 130), s. 155(3)(4)(7), **Sch. 20 para. 6(1)(b)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

C63 Part III applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 167, 223(2), **Sch. 11 para. 6(1)(b)**(with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
Part III applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 168, 225(2), **Sch. 19 para. 6(1)(b)**(with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
Parts II-IV applied (31.10.1994) by Opencast Coal Act 1958 c. 69, **s. 16(4A)** as substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 14(5)**; S.I. 1994/2553, **art. 2**

16 Statutory undertakers' land excluded from compulsory purchase.

(1) This section applies where the land comprised in a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied that—

(a) any of the said land is used for the purposes of the carrying on of their undertaking, or

(b) an interest in any of the said land is held for those purposes.

[[F100]and the representation is not withdrawn.**]**.

(2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

(a) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or

(b) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,

and certifies accordingly.

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[[F101](3) In the preceding provisions of this section "statutory undertakers" include—

(a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990; [F102]. . .

[[F103](aa) **[**[F104]NHS England**]**;

[[F105](ab) an integrated care board established under section 14Z25 of the National Health Service Act 2006;**]**

(b) a National Health Service trust established under **[**[F106]section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006**]** or the National Health Service (Scotland) Act 1978;

[F107]. . .

[[F108](ba) an NHS foundation trust;**]**

[F109](c) . . . . . .

[[F110](d) a Local Health Board established under **[**[F111]section 11 of the National Health Service (Wales) Act 2006**]** ;**]**

but in relation to a health service body, as so defined, any reference in those provisions to land acquired or available for acquisition by the statutory undertakers shall be construed as a reference to land acquired or available for acquisition by the Secretary of State for use or occupation by that body**]]**

Textual Amendments

F100 Words in s. 16(1) added (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 10(1); S.I. 1991/2067, **art. 3**.

F101 S. 16(3) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60(2), **Sch. 8 Pt. II para. 8(1)**

F102 S. 16(3): the word preceding para. (a) repealed (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1**

F103 S. 16(3)(aa)(ab) inserted (1.10.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 22(a)**; S.I. 2012/1831, art. 2(2)

F104 Words in s. 16 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F105 S. 16(3)(ab) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 21**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F106 Words in s. 16(3)(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 60(a)** (with Sch. 3 Pt. 1)

F107 S. 16(3): word at the end of para. (b) repealed (10.10.2002 for W., 1.3.2007 in so far as not already in force) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 25**, **Sch. 9 Pt. 1**; S.I. 2002/2532, **art. 2**, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12

F108 S. 16(3)(ba) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 48**; S.I. 2004/759, art. 2

F109 S. 16(3)(c) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 22(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F110 S. 16(3)(d) and preceding word inserted (10.10.2002 for W., 1.3.2007 in so far as not already in force) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 25**; S.I. 2002/2532, **art. 2**, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12

F111 Words in s. 16(3)(d) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 60(c)** (with Sch. 3 Pt. 1)

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Modifications etc. (not altering text)

C64 S. 16 functions transferred (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **18**

Orders subject to special parliamentary procedure

17 Local authority and statutory undertakers' land.

(1) This section applies to land which—

(a) is the property of a local authority, or

(b) has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

(2) Subject to subsection (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to **[**[F112]the compulsory purchase of the land**]** has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

[[F113](2A) Subsection (3) of section 16 above applies in relation to subsections (1) and (2) above as it applies in relation to the preceding provisions of that section.**]**

(3) Subsection (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in subsection (4) below) **[**[F114]a National Park authority**]**, **[**[F115]an urban development corporation**][**[F116], a Mayoral development corporation**][**[F117], [F118]...,**]**. . . [F119]. . ., **[**[F120]a Welsh planning board,**]** any statutory undertakers or a Minister.

(4) In subsection (3) above—

"local authority" means—

(a) in relation to England, the council of a county or district **[**[F121]the Broads Authority**]**, the council of a London borough, the Common Council of the City of London, **[**[F122]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**][**[F123]the London Fire Commissioner,**]**[F124].... . . **[**[F125] . . . [F126], a joint authority established by Part 4 of the Local Government Act 1985 **[**[F127], a combined authority established under section 103 of that Act or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023**]**,

(b) in relation to Wales, the council of a county or **[**[F128]county borough**]**, **[**[F129]or a police authority established under **[**[F130]section 3 of the Police Act 1996**]]**. . .

and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

"statutory undertakers" includes—

(a) [F131]. . . . . .

(aa) **[**[F132]a National Health Service trust established under **[**[F133]section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006**]**, and**]**

(aab) **[**[F134]an NHS foundation trust,**]**

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(ab) **[**[F135] . . . . . .

(ac) the Schools Funding Council for Wales,**]**

(ad) [F136]...

(ae) **[**[F137]NHS England**]**,

(af) **[**[F138]an integrated care board established under section 14Z25 of the National Health Service Act 2006,**]**

(b) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.

[[F139]"a Welsh planning board" means a board constituted under—

(a) section 2(1B) of the [M9]Town and Country Planning Act 1990; [F140]

(b) . . . . . .**]**

(5) An order under paragraph (b) of the definition of "statutory undertakers" in subsection (4) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F112 Words in s. 17(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 25(7)(a)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

F113 S. 17(2A) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60(2), **Sch. 8 Pt. II para. 8(2)**

F114 Words in s. 17(3) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 21(1)**(with Sch. 8 para. 7); S.I. 1995/2950, **art. 2**

F115 Words in s. 17(3) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 11; S.I. 1991/2067, **art. 3**.

F116 Words in s. 17(3) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 7(2)**

F117 Words in s. 17(3) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 17** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F118 Words in s. 17(3) omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(2), 7, **Sch. 2 para. 9(1)** (with art. 3(1))

F119 Words in s. 17(3) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F120 Words in s. 17(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(1)(a)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

F121 Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 22**

F122 Words in s. 17(4) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 43**; S.I. 2017/399, reg. 2, Sch. para. 38

F123 Words in s. 17(4) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 64**; S.I. 2018/227, **reg. 4(c)**

F124 Words in s. 17(4) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 143**; S.I. 2012/2892, art. 2(i)

F125 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 60**

F126 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237(2), **Sch. 13 Pt. I**

F127 Words in s. 17(4)(a) substituted (26.12.2023) by virtue of Levelling Up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 69** (with s. 247)

F128 S. 17(4): words in para. (b) in definition of "local authority" substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 64(1)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

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F129 S. 17(4): words in para. (b) in definition of "local authority" inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 55(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4, **Sch.**

F130 S. 17(4): words in paras. (a)(b) in definition of "local authority" substituted (1.4.1996) by 1996 c. 16, ss. 103, 104(1)(2), **Sch. 7 Pt. I para. 1(2)(q)**

F131 S. 17(4): para. (a) in definition of "statutory undertaker" repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 27(1), **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**

F132 Paragraph (aa) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 23**

F133 Words in s. 17(4) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 61(a)** (with Sch. 3 Pt. 1)

F134 Words in s. 17(4) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 49**; S.I. 2004/759, art. 2

F135 S. 17(4): paras. (ab)(ac) in definition of "statutory undertakers" inserted (1.11.1996) by 1995 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 51(2)**(with s. 1(4), Sch. 39) and para. (ab)(ac) repealed (1.9.1999 in relation to para. (ab)) by 1998 c. 31, ss. 140(3), 145(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F136 Words in s. 17(4) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 23(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F137 Words in s. 17 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F138 Words in s. 17(4) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 22**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F139 S. 17(4): definition of "a Welsh planning board" added (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(1)(b)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch.**

F140 S. 17(4): para. (b) and word "or" immediately preceding it in definition of "a Welsh planning board" repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117): S.I. 1996/2560, art. 2, **Sch.**

Modifications etc. (not altering text)

C65 S. 17(3) modified by Housing Act 1988 (c. 50, SIF 61), s. 78(1), **Sch. 10 Pt. I para. 3**
S. 17(3) modified (10.11.1993) by 1993 c. 28, s. 169, **Sch. 20 Pt. I para. 3**; S.I. 1993/2762, **art. 3**.

C66 S. 17(4) extended by S.I. 1985/1884, **art. 4(t)**

Marginal Citations

M9 1990 c. 8.

18 National Trust land.

(1) This section applies to land belonging to the National Trust which is held by the Trust inalienably.

(2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to **[**[F141]the compulsory purchase of the land**]** has been duly made by the National Trust and has not been withdrawn.

(3) In this section "held inalienably", in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the [M10]National Trust Act 1907 or section 8 of the [M11]National Trust Act 1939.

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Textual Amendments

F141 Words in s. 18(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 25(7)(a)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

Marginal Citations

M10 1907 c. cxxxvi.

M11 1939 c. lxxxvi.

19 Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or

[F142]**[**(aa) that the land is being purchased in order to secure its preservation or improve its management**]**

(b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) Where it is proposed to give a certificate under this section, the Secretary of State shall **[**[F143]direct the acquiring authority to**]** give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

[F144]**[**(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.**]**

(3) A compulsory purchase order may provide for—

(a) vesting land given in exchange as mentioned in subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and

(b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject **[**[F145]except where the Secretary of State has given a certificate under subsection (1)(aa) above.**]**.

(4) In this section—

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"common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

"fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

"open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

Textual Amendments

F142 S. 19(1)(aa) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(1)(a); S.I. 1991/2067, **art.3**.

F143 Words in s. 19(2) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(1)(b); S.I. 1991/2067, **art. 3**

F144 S. 19(2A) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15 para. 12(1)(c)**; S.I. 1991/2067, **art.3**.

F145 Words in s. 19(3) added (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(1)(d);S.I. 1991/2067, **art.3**.

Modifications etc. (not altering text)

C67 S. 19 applied by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 229(3)**

C68 S. 19 excluded (with effect in accordance with s. 40(9)(a) of the amending Act) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 36(3)(a)**, 40(1)(f)

C69 S. 19 modified (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **34(4)** (with arts. 57, 58, Sch. 11 para. 19)

[F146]20 . . . . . .

Textual Amendments

F146 S. 20 repealed (24.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), ss. 70, 84(6), Sch. 15, para. 28, **Sch. 19**, PartIII; S.I. 1991/2067, **art.3**.

21 Land within more than one provision in Part III.

In the case of land falling within more than one of sections 17 to 20 above a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those sections.

Supplemental

22 Notice of giving of certificate.

As soon as may be after the giving of a certificate under this Part of this Act, the acquiring authority shall publish—

[[F147](a)**]** in one or more local newspapers circulating in the locality in which the land comprised in the order is situated **[[F148]**, and

(b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the certificate is given,**]**

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a notice in the prescribed form stating that the certificate has been given.

Textual Amendments

F147 Words in s. 22 renumbered as s. 22(a) (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 181(7)(a)**, 255(7) (with s. 247); S.I. 2024/92, **reg. 2(j)**; S.I. 2024/389, **reg. 3(a)** (with reg. 4); S.I. 2025/1262, **reg. 2(1)(a)(2)** (with reg. 3)

F148 S. 22(b) and word inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(7)(b)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

PART IV

VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES

Modifications etc. (not altering text)

C70 Parts II-IV applied (31.10.1994) by Opencast Coal Act 1958 c. 69, **s. 16(4A)** as substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 14(5)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

23 Grounds for application to High Court.

(1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in section 1(1) of this Act, he may make an application to the High Court.

(2) If any person aggrieved by—

(a) a compulsory purchase order, or

(b) a certificate under Part III of, or Schedule 3 to, this Act,

desires to question the validity thereof on the ground that any relevant requirement has not been complied with in relation to the order or certificate he may make an application to the High Court.

(3) In subsection (2) above "relevant requirement" means—

(a) any requirement of this Act, or of any regulation under section 7(2) above, or

(b) any requirement of the [M12]Tribunals and Inquiries Act **[**[F149]1992**]** or of any rules made, or having effect as if made, under that Act.

(4) An application to the High Court under this section shall be made within six weeks—

(a) in the case of a compulsory purchase order to which the [M13]Statutory Orders (Special Procedure) Act 1945 applies (and which is not excluded by section 27 below), from the date on which the order becomes operative under that Act,

(b) in the case of a compulsory purchase order to which the said Act of 1945 does not apply, from the date on which notice of the confirmation or making of the order is first published in accordance with this Act,

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(c) in the case of a certificate, the date on which notice of the giving of the certificate is first published in accordance with this Act.

Textual Amendments

F149 Word in s. 23(3)(b) substituted (1. 10. 1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para.14**.

Marginal Citations

M12 1971 c. 62.

M13 1945 (9 & 10 Geo 6) c. 18.

24 Powers of the court.

(1) On an application under section 23 above the court may by interim order suspend the operation of the compulsory purchase order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings.

(2) If on the application the court is satisfied that—

(a) the authorisation granted by the compulsory purchase order is not empowered to be granted under this Act or any such enactment as is mentioned in section 1(1) of this Act, or

(b) the interests of the applicant have been substantially prejudiced by any relevant requirement (as defined in section 23(3) above) not having been complied with,

the court may quash the compulsory purchase order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

[[F150](3) If the court has power under subsection (2) to quash a compulsory purchase order it may instead quash the decision to confirm the order either generally or in so far as it affects any property of the applicant.**]**

Textual Amendments

F150 S. 24(3) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 201**, 216(3); S.I. 2016/733, reg. 3(k) (with reg. 8)

25 Restriction on other court proceedings.

Subject to the preceding provisions of this Part of this Act, a compulsory purchase order, or a certificate under Part III of, or Schedule 3 to, this Act, shall not, either before or after it has been confirmed, made or given, be questioned in any legal proceedings whatsoever.

26 Date of operation.

(1) Subject to section 24 above, a compulsory purchase order, other than one to which the [M14]Statutory Orders (Special Procedure) Act 1945 applies, shall become operative on

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the date on which notice of the confirmation or making of the order is first published in accordance with this Act.

(2) Subject to section 24 above, a certificate under Part III of, or Schedule 3 to, this Act shall become operative on the date on which notice of the giving of the certificate is first published in accordance with this Act.

Marginal Citations

M14 1945 (9 & 10 Geo 6) c. 18.

27 Exclusion of orders confirmed by Act of Parliament.

This Part of this Act shall not apply to an order which is confirmed by Act of Parliament under section **[**[F151]4 or**]** 6 of the [M15]Statutory Orders (Special Procedure) Act 1945.

Textual Amendments

F151 Words in s. 27 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

M15 1945 (9 & 10 Geo 6) c. 18.

PART V

PROCEDURE IN SPECIAL CASES

Compulsory acquisition of rights over land

28 Acquisition of rights over land by the creation of new rights.

Schedule 3 to this Act applies to the compulsory acquisition under this Act of rights over land by the creation of new rights by virtue of—

(a) . . . . . [F152]

[[F153](aa) section 21A of the [M16]Welsh Development Agency Act 1975,**]**

(b) section 13(1) of the [M17]Local Government (Miscellaneous Provisions) Act 1976,

[F154](c) . . . . . .

(d) section 142(4) of the [M18]Local Government, Planning and Land Act 1980,

(e) section 250 of the [M19]Highways Act 1980.

[F155](f) . . . . . .

[[F156](g) paragraph 1 of Schedule 3 to the Gas Act 1986.**]**

[[F157](h) paragraph 1 of Schedule 3 to the Electricity Act 1989.**]**

[[F158](i) paragraph 3(3) of Schedule 4 to the Communications Act 2003.**]**

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Textual Amendments

F152 S. 28(*a*) repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 29**

F153 S. 28(aa) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 18** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F154 S. 28(c) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1)); S.I. 1998/2244, **art. 4**

F155 S. 28(f) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F156 S. 28(*g*) inserted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 29**

F157 S. 28(*h*) inserted by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 28, Sch. 17 paras. 33, **35(1)**

F158 S. 28(i) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 58(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

Marginal Citations

M16 1975 c. 70.

M17 1976 c. 57.

M18 1980 c. 65.

M19 1980 c. 66.

29 Compulsory rights orders under Opencast Coal Act 1958.

(1) This Act in its application to compulsory rights orders by section 4 of the [M20]Opencast Coal Act 1958 has effect subject to this section.

(2) Parts II, III and IV of this Act shall apply as if in those provisions—

(a) any reference to a compulsory purchase order were a reference to a compulsory rights order,

(b) any reference to the acquiring authority were a reference to **[**[F159]the Coal Authority**]** , and any reference to the confirming authority were a reference to the Secretary of State, and

(c) any reference to authorising the compulsory purchase of land were a reference to operating so as to confer [F160]. . . temporary rights of occupation and use of land.

(3) Any modifications of particular provisions of this Act which are specified in the following provisions of this section shall have effect, in relation to those provisions, in addition to the general modifications mentioned above.

(4) Part II of this Act shall apply as if for section 12 there was substituted—

The acquiring authority shall—

(a) serve on all persons who at the time when notice of the order is first published under section 11 above are known to the acquiring authority to be persons directly concerned a notice in the prescribed form—

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(i) stating the effect of the order and that it is about to be submitted for confirmation, and

(ii) specifying the time (not being less than 21 days from service of the notice) within which, and the manner in which, objections thereto can be made, and

(b) affix conspicuously to some conspicuous object or objects on the land comprised in the order a notice or notices containing the particulars specified in paragraph (a)(i) and (ii) above."

(5) Section 13 of this Act shall apply as if for **[**[F161]the reference to a qualifying person for the purposes of section 12(2)**]** there were substituted a reference to any person who, in relation to the order, is a person directly concerned.

(6) Except where the Secretary of State is proceeding concurrently with respect to an application for **[**[F162]opencast planning permission**]** and a compulsory rights order, the Secretary of State may disregard an objection to such an order if he is satisfied that it relates to the question whether **[**[F162]opencast planning permission should be granted or should have been granted**]** and either—

(a) it relates exclusively to that question, or

(b) in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation.

This subsection is without prejudice to the operation of section 13 of this Act.

[[F163](6A) Part III of this Act shall apply as if section 17 were omitted.**]**

(7) In section 19 of this Act—

(a) any reference to giving other land in exchange shall be construed as a reference to making other land available during the period for which the compulsory rights order is to have effect,

(b) the provisions of the said section 19 as to the vesting of land, and as to its being made subject to the like rights, trusts and incidents as the land purchased, shall apply with the necessary modifications, and

(c) subsection (3)(b) shall not apply.

(8) Section 23 of this Act shall apply as if—

(a) in subsection (1) for the first reference to this Act there were substituted a reference to the [M21]Opencast Coal Act 1958,

(b) in subsection (3)(a) the reference to this Act included a reference to that Act.

(9) The date on which the compulsory rights order becomes operative shall be that mentioned in section 26(1) of this Act or such later date (not being more than one year after confirmation of the order) as may be determined by the Secretary of State and specified in the order as confirmed.

(10) In the application of this Act to compulsory rights orders "prescribed" means prescribed by regulations under the [M22]Opencast Coal Act 1958.

[[F164](11) In this section "opencast planning permission" and "persons directly concerned" have the same meanings as in the Opencast Coal Act 1958.**]**

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Textual Amendments

F159 Words in s. 29(2)(b) substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(2)(a)(i)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

F160 Words in s. 29(2)(c) repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 27(2)(a)(ii), **Sch. 11 Pt. II**(with s. 40(7)); S.I. 1994/2553, **art. 2**

F161 Words in s. 29(5) substituted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), **Sch. 7 para. 12** (with s. 111); S.I. 2004/2593, art. 2(d)

F162 Words substituted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 39(3), **Sch. 8 Pt. II para. 18**(*a*)

F163 S. 29(6A) inserted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(2)(b)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

F164 S. 29(11) substituted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 39(3), **Sch. 8 Pt. II para. 18**(*b*)

Modifications etc. (not altering text)

C71 S. 29 applied (with modifications) (31.10.1994) by Opencast Coal Act 1958 c. 69 s. 16(4A) (as substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 14(5)**; S.I. 1994/2553, **art. 2**)

Marginal Citations

M20 1958 c. 69.

M21 1958 c. 69.

M22 1958 c. 69.

30 Acquisition of rights in connection with underground storage of gas.

(1) Subject to this section, in relation to the compulsory purchase—

(a) of a right to store gas in an underground gas storage under section 12(1) of the [M23]Gas Act 1965, or

(b) of any right under subsections (2) or (3) of section 13 of that Act,

this Act, the enactments incorporated therewith and the [M24]Compulsory Purchase Act 1965 shall have effect as if—

(i) references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the stratum of land constituting the underground gas storage or, as the case may be, the land comprising the well, borehole or shaft, and

(ii) references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the right.

(2) In relation to the compulsory purchase of a right to store gas in an underground gas storage under section 12(1) of the [M25]Gas Act 1965 this Act shall have effect—

(a) as if in sections 16 to 18 of this Act references to the land comprised in the compulsory purchase order included references to any land held with the stratum of land constituting the underground gas storage,

(b) as if sections 19 and 20 of this Act were omitted.

(3) Section 28 above and Schedule 3 to this Act shall not apply to a compulsory purchase to which this section applies.

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Marginal Citations

M23 1965 c. 36.
M24 1965 c. 56.
M25 1965 c. 36.

Statutory undertakers' land

31 Acquisition under certain Acts of statutory undertakers' land without a certificate.

(1) This section applies to a compulsory purchase order under—

(a) **[**[F165]the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990**][**[F166]or Part 3 of the Historic Environment (Wales) Act 2023**]**,

[F167](b) . . . . . .

(c) section 142 or 143 of the **[**[F168]Local Government, Planning and Land Act**]**1980 (acquisition by urban development corporation),

[[F169](ca) section 207(2) of the Localism Act 2011 (acquisition by Mayoral development corporation),**][**[F170]or

(d) section 21A of, and Schedule 4 to, the [M26]Welsh Development Agency Act 1975,**]**

being a compulsory purchase order authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.

[[F171](2) Section 16(2) of, and paragraph 3(2) of Schedule 3 to, this Act shall not apply to an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it.**]**

(4) Where in accordance with this section a compulsory acquisition is effected under a compulsory purchase order confirmed or made without the appropriate Minister's certificate **[**[F172]sections 280 to 282 of the Town and Country Planning Act 1990**]** (measure of compensation) shall apply in accordance with **[**[F172]section 280(1)(c)**]** of that Act.

Textual Amendments

F165 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 53(2)(a)**
F166 Words in s. 31(1)(a) inserted (4.11.2024) by Historic Environment (Wales) Act 2023 (asc 3), s. 212(2), **Sch. 13 para. 57** (with Sch. 14 paras. 1-3); S.I. 2024/860, art. 3(d)
F167 S. 31(1)(b) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2444, **art. 4**
F168 Words in s. 31(3)(c) substituted (1.10.1998) by 1998 c. 38, **s. 135(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
F169 S. 31(1)(ca) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 7(3)**
F170 S. 31(1)(d) and word inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 19** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
F171 S. 31(2) substituted (25.09.1991) for s. 31(2)(3) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 10(2); S.I. 1991/2067, **art. 3**.

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F172 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 53(2)(b)**

Marginal Citations

M26 1975 c. 70.

PART VI

FOOTPATHS AND BRIDLEWAYS

32 Power to extinguish certain public rights of way.

(1) This section applies where land is acquired, or proposed to be acquired—

(a) in pursuance of a compulsory purchase order, or

(b) by agreement for a purpose, and by an authority, such that the compulsory acquisition of the land could be authorised by a compulsory purchase order,

and there subsists over any part of the land a public right of way, not being a right enjoyable by vehicular traffic.

(2) If the acquiring authority is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required, the acquiring authority may by order extinguish the right of way; and Schedule 6 to the [M27]Highways Act 1980 shall have effect as to the making, confirmation, validity and date of operation of any such order.

(3) If the acquiring authority is not the Secretary of State—

(a) the order under subsection (2) above shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the acquiring authority under paragraph 2(1)(b) of Schedule 6 to the [M28]Highways Act 1980 as applied by this section, and

(b) the Secretary of State shall not confirm the order unless satisfied that this section applies, and that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required.

(4) The time specified in the order under subsection (2) above as the time from which the right of way is extinguished shall not be earlier than—

(a) confirmation of the order, or if the Secretary of State is the acquiring authority, the making of the order;

(b) if in the exercise of the power conferred by section 11(1) of the [M29]Compulsory Purchase Act 1965, or by agreement, the acquiring authority takes possession of the land, the date on which the authority takes possession of the land;

(c) if the acquiring authority does not take possession of the land in exercise of any such power, the date on which the acquisition of the land is completed.

(5) Where a right of way is extinguished under this section at a date before the acquisition of the land is completed, then if at any time thereafter it appears to the acquiring authority that the proposal to acquire the land has been abandoned, the acquiring authority shall by order direct that the right shall revive, without prejudice, however, to the making of a new order extinguishing the right.

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(6) No order shall be made under subsection (2) above as respects a right of way over land on, over or under which there is any apparatus belonging to statutory undertakers unless the undertakers consent to the making of the order, and—

(a) the consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require, and

(b) the consent shall not be unreasonably refused.

Any question arising under this subsection whether any requirement or refusal is reasonable shall be determined by the appropriate Minister.

[[F173](6A) In subsection (6) above the reference to apparatus belonging to statutory undertakers shall include a reference to **[**[F174]electronic communications apparatus kept installed for the purposes of an electronic communications code network**]** and in relation to any such apparatus—

(a) the references to the undertakers shall have effect as references to the operator of the **[**[F175]network**]** in question; and

(b) the reference to the appropriate Minister shall have effect as a reference to the Secretary of State.**]**

(7) This section shall not apply where **[**[F176]section 251 or 258 of the Town and Country Planning Act 1990**]** (extinction of public rights of way over land held for planning purposes) applies.

(8) This section applies subject to any provision to the contrary in any other Act and subject in particular to the exclusion of this Part of this Act by—

[[F177]**[**[F178]section 41 or 42 or 42A**]** of the Civil Aviation Act 1982**]**,

. . . [F179]

(9) Except as provided in this section nothing in this Act shall be taken to authorise the extinction of any public right of way.

Textual Amendments

F173 S. 32(6A) inserted by Telecommunications Act 1984 (c. 12, SIF 96), Sch. 4 para. 80(2), **Sch. 5 para. 45**

F174 Words in s. 32(6A) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 58(3)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F175 Word in s. 32(6A)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 58(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F176 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 53(3)**

F177 Words substituted by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 15 para. 27**

F178 Words in s. 32(8) substituted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 5(b)**

F179 Entry repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

C72 S. 32 applied by S.I. 1986/564, **art. 4(2)**(*b*)

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C73 S. 32(6) functions transferred (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **18**

Marginal Citations

M27 1980 c. 66.
M28 1980 c. 66.
M29 1965 c. 56.

33 Land acquired before commencement of this Act.

(1) In section 32 above "compulsory purchase order" includes—

(a) a compulsory purchase order under the [M30]Acquisition of Land (Authorisation Procedure) Act 1946, and

(b) an authorisation under section 2 of that Act (which was repealed by the [M31]Statute Law Revision Act 1953).

(2) Section 32 above shall apply in relation to land acquired before the commencement of the said Act of 1946 by a local authority, being—

(a) land acquired compulsorily under any public general Act in force immediately before the commencement of the said Act of 1946 other than—

(i) the [M32]Light Railways Acts 1896 and [M33]1912,

(ii) Part III of the [M34]Housing Act 1936,

(iii) the [M35]Town and Country Planning Act 1944, or

(b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

Marginal Citations

M30 1946 c. 49.
M31 1953 (2 & 3 Eliz. 2) c. 5.
M32 1896 c. 48.
M33 1912 c. 19.
M34 1936 c. 51.
M35 1944 c. 47.

PART VII

SUPPLEMENTAL

34 Consequential amendments, transitionals and repeals.

(1) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

(2) The transitional provisions in Schedule 5 to this Act shall have effect.

(3) The enactments and instruments specified in Schedule 6 to this Act (of which those in Part II are spent) shall be repealed to the extent specified in the third column of that Schedule.

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Modifications etc. (not altering text)

C74 The text of s. 34(1)(3) and Schedule 6 (except the para. commencing "The repaeals") is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

35 Short title, commencement and extent.

(1) This Act may be cited as the Acquisition of Land Act 1981.

(2) This Act shall come into force at the expiration of a period of three months beginning with the date on which it is passed.

(3) This Act, except so far as Schedule 4 amends any enactment which extends to Scotland or Northern Ireland, extends to England and Wales only.

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SCHEDULES

SCHEDULE 1 — Section 2(3).

PURCHASES BY MINISTERS

Modifications etc. (not altering text)

C75 Sch. 1 restricted by 1975 c. 70, Sch. 4 para. 1(2)(a) (as substituted (1.4.2006) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(2), 7, **Sch. 1 para. 33(1)** (with art. 3(1)))

1 (1) This Schedule has effect where a Minister is the acquiring authority.

(2) The compulsory purchase order shall be prepared in draft and shall describe by reference to a map the land to which it applies.

(3) Subject as aforesaid the form of the order shall be such as the Minister may determine.

[[F180](3A) The order may, in particular, include provision specifying a period longer than three years for the purposes of section 4 of the Compulsory Purchase Act 1965 (time limit for notice to treat) and section 5A of the Compulsory Purchase (Vesting Declarations) Act 1981 (time limit for general vesting declaration).**]**

(4) As soon as may be after the draft of the order has been prepared, and before making the order, the Minister shall comply with paragraphs 2 and 3 below.

(5) The provisions of the said paragraphs 2 and 3 as to the notice thereby required shall apply subject to such modifications of the form of the notice as appear to the Minister to be requisite.

Textual Amendments

F180 Sch. 1 para. 1(3A) inserted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 185(1)(b)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(l) (with reg. 6(1))

[[F181] Notices in newspapers][[F181]Public notices]

Textual Amendments

F181 Sch. 1 para. 2 cross-heading substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(2)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

2 (1) The Minister shall—

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[[F182](a)**]** in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the draft order is situated **[**[F183], and

(b) for a period of at least 21 days ending with the day specified under sub-paragraph (2)(d), publish a notice in the prescribed form on an appropriate website.**]**

(2) The **[**[F184]notice**]**[[F184]notices**]** shall—

(a) state that the order has been prepared in draft and is about to be made,

(b) describe the land and state the purpose for which the land is required,

(c) name a place within the locality where a copy of the draft order and of the map referred to therein may be inspected, **[**[F185]and**]**

[[F186](ca) specify a website on which those copies may be viewed, and**]**

[[F187](d) specify the final day for making objections to the draft order, and the manner in which objections can be made.**]**

[[F188](2ZA) In the case of a notice under sub-paragraph (1)(a), the requirement in sub-paragraph (2)(b) to describe the land may be met by briefly identifying the land (by giving its postal address or otherwise).**]**

[[F189](2A) If the appropriate authority (see paragraph 4(8)) is satisfied that, because of special circumstances, it is impracticable for the Minister to make the copies referred to in sub-paragraph (2)(c) available for inspection at an appropriate place, the appropriate authority may direct that the requirement in sub-paragraph (2)(c) (together with that in paragraph 3(1)(ba)) is not to apply.**]**

[[F190](3) In addition, the Minister shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the draft order.

(4) The notice under sub-paragraph (3) must—

(a) be addressed to persons occupying or having an interest in the land, and

(b) set out each of the matters mentioned in sub-paragraph (2) **[**[F191](but reading the reference there to first publication of the notice as a reference to the day when the notice under sub-paragraph (3) is first affixed)**]**.**]**

Textual Amendments

F182 Words in Sch. 1 para. 2(1) renumbered as Sch. 1 para. 2(1)(a) (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling Up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(a)(i)** (with s. 247); S.I. 2024/92, **reg. 2(r)**; S.I. 2024/389, **reg. 3(c)** (with reg. 4); S.I. 2025/1262, **reg. 2(1)(e)(2)** (with reg. 3)

F183 Sch. 1 para. 2(1)(b) and word inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(a)(ii)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F184 Word in Sch. 1 para. 2(2) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(b)(i)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F185 Word in Sch. 1 para. 2(2)(c) omitted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023

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(c. 55), s. 255(7), **Sch. 19 para. 1(3)(b)(ii)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F186 Sch. 1 para. 2(2)(ca) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(b)(iii)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F187 Sch. 1 para. 2(2)(d) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(b)(iv)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F188 Sch. 1 para. 2(2ZA) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 106(5)**, 118(5)(b) (with s. 116); S.I. 2025/1370, reg. 3(1)(a)

F189 Sch. 1 para. 2(2A) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(c)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F190 Sch. 1 para. 2(3)(4) added (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(2)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F191 Words in Sch. 1 para. 2(4)(b) omitted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(3)(d)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

*Notices to owners, lessees **[**[F192], occupiers and others**]***

Textual Amendments

F192 Words in Sch. 1 para. 3 cross-heading substituted (30.9.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 3(2)** (with s. 144); S.I. 2022/48, **reg. 5(d)**

3 (1) The Minister shall serve on every **[**[F193]qualifying person**]** a notice in the prescribed form—

(a) stating the effect of the draft order,

(b) stating that it is about to be made, **[**[F194]and**]**

[[F195](ba) (subject to paragraph 2(2A)) naming a place within the locality where a copy of the draft order and of the map referred to in it may be inspected,

(bb) specifying a website on which those copies may be viewed, and**]**

[[F196](c) specifying the final day for making objections to the draft order, and the manner in which objections can be made.**]**

(2) **[**[F197]A person is a qualifying person, in relation to land comprised in a draft order, if—

(a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of any such land, [F198]...

(b) he falls within sub-paragraph (2A) **[**[F199], or

(c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of Part 7 of the Environment Act 2021) relating to the land.**]**

(2A) A person falls within this sub-paragraph if he is—

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(a) a person to whom the Minister would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or

(b) a person the Minister thinks is likely to be entitled to make a relevant claim if the order is made and the compulsory purchase takes place, so far as he is known to the Minister after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection).**]**

(3) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the **[**[F200]Diocesan Board of Finance for the diocese in which the land is situated**]**.

In this sub-paragraph "ecclesiastical property" means land belonging to any ecclesiastical benefice **[**[F201]of the Church of England**]**, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese **[**[F201]of the Church of England**]** or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [F202]....

Textual Amendments

F193 Words in Sch. 1 para. 3(1) substituted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(3)(a)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F194 Word in Sch. 1 para. 3(1)(b) omitted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(4)(a)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F195 Sch. 1 para. 3(1)(ba)(bb) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(4)(b)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F196 Sch. 1 para. 3(1)(c) substituted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(4)(c)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F197 Sch. 1 para. 3(2)-(2B) substituted for Sch. 1 para. 3(2) (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(3)(b)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F198 Word in Sch. 1 para. 3(2)(a) omitted (30.9.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 3(3)(a)** (with s. 144); S.I. 2022/48, reg. 5(d)

F199 Sch. 1 para. 3(2)(c) and word inserted (30.9.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 3(3)(b)** (with s. 144); S.I. 2022/48, reg. 5(d)

F200 Words in Sch. 1 para. 3(3) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 24(2)(a)**; 2006 No. 2, Instrument made by Archbishops

F201 Words in Sch. 1 para. 3(3) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 24(2)(b)**; 2006 No. 2, Instrument made by Archbishops

F202 Words in Sch. 1 para. 3(3) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 24(2)(c)**; 2006 No. 2, Instrument made by Archbishops

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Modifications etc. (not altering text)

C76 Sch. 1 para. 3(1) modified by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **s. 50(3)**

[F203 Final day for making objections

Textual Amendments

F203 Sch. 1 para. 3A and cross-heading inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(5)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

3A (1) For the purposes of paragraphs 2 and 3, the day specified as the final day for making objections must be the last day, or a day after the last day, of the period of 21 days beginning with the first day at the beginning of which the Minister expects that all of the following conditions will be satisfied.

(2) The conditions are that—

(a) a notice has been published for the first time as required by paragraph 2(1)(a),

(b) publication as required by paragraph 2(1)(b) has begun,

(c) a notice has been affixed as required by paragraph 2(3), and

(d) a notice has been served on every qualifying person as required by paragraph 3(1).**]**

Making of order

4 **[F204**(1) The Minister may make a compulsory purchase order with or without modifications if he is satisfied—

(a) that the notice requirements have been complied with, and

(b) that one of the conditions in sub-paragraph (2) is satisfied.

(2) The conditions are—

(a) no relevant objection is made;

(b) every relevant objection made is either withdrawn or disregarded.

(3) The appropriate authority may require every person who makes a relevant objection to state the grounds of the objection in writing.

(4) If the appropriate authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.

(5) The notice requirements are the requirements under paragraphs 2 and 3 to publish, affix and serve notices in connection with the compulsory purchase order.

(6) A relevant objection is an objection by a person who is a qualifying person for the purposes of paragraph 3(2), but if such a person qualifies only by virtue of paragraph 3(2A)(b) and the Minister thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.

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(7) Disregarded means disregarded under sub-paragraph (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.

(8) The appropriate authority is—

(a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly,

(b) in any other case, the Minister.

(9) Highway land acquisition powers must be construed in accordance with the Highways Act 1980.

(10) The planning Minister is the Secretary of State for the time being having general responsibility in planning matters.

Textual Amendments

F204 Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(4)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

4A (1) This paragraph applies to the making of a compulsory purchase order if a relevant objection is made which is neither—

(a) withdrawn, nor

(b) disregarded,

(a remaining objection).

[The appropriate authority must cause a public local inquiry to be held if—

F205(1A) (a) the order is subject to special parliamentary procedure, or

(b) in the case of an order to which section 16 applies, a certificate has been given under subsection (2) of that section.

(1B) If sub-paragraph (1A) does not apply, the appropriate authority must either—

(a) cause a public local inquiry to be held, or

(b) proceed under the representations procedure.

(1C) In deciding between those options, the appropriate authority must have regard to the scale and complexity of what is proposed by the draft order.

(1D) The representations procedure is a procedure to be prescribed.

(1E) The regulations prescribing the procedure must include provision—

(a) enabling each person who has made a remaining objection to make representations—

(i) in writing to the appropriate authority, or

(ii) if the person so requests, at a hearing, and

(b) enabling the Minister, and any other person the appropriate authority thinks appropriate, to make representations—

(i) in writing to the appropriate authority, or

(ii) if applicable, at a hearing held as mentioned in paragraph (a)(ii).

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(1F) The regulations may provide for hearings to be held by the appropriate authority or by a person appointed by the appropriate authority.

(1G) In sub-paragraph (1E), "representations" means representations as to whether the order should be made.

(1H) Before the Minister makes the order, the appropriate authority must consider—

(a) each remaining objection;

(b) if a public local inquiry was held, the report of the person who held it;

(c) if the representations procedure was followed and the appropriate authority held a hearing, the representations made at the hearing;

(d) if the representations procedure was followed and a person appointed by the appropriate authority held a hearing, the report of that person;

(e) if the representations procedure was followed and written representations were made, those representations.

(1I) The Minister may make the order with or without modifications.

(1J) Regulations under sub-paragraph (1D) may include provision as to the giving of reasons for decisions taken by the appropriate authority in cases where the representations procedure is followed.**]**

(9) Expressions used in this paragraph and in paragraph 4 must be construed in accordance with paragraph 4.

Textual Amendments

F204 Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(4)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F205 Sch. 1 para. 4A(1A)-(1J) substituted for Sch. 1 para. 4A(2)-(8) (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 2(2)** (with s. 247); S.I. 2024/389, reg. 2(t)

[[F206]4AA (1) The Minister may make a compulsory purchase order conditionally.

(2) The effect of making an order conditionally is that the order—

(a) does not become operative until the Minister has decided, following consideration by the appropriate authority (see paragraph 4(8)), that certain conditions have been met, and

(b) expires if the Minister has not decided that by a certain time.

(3) The conditions and the time are to be specified by the Minister when making the order.

(4) The procedure to be followed in connection with the consideration and decision referred to in sub-paragraph (2)(a) is to be prescribed.

(5) The prescribed procedure must include provision for each relevant objector—

(a) to be given notice that the appropriate authority is to consider whether the conditions have been met (or for steps to be taken with a view to notifying them), and

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(b) to have the opportunity to make written representations relating to that consideration;

and may include provision as to the giving of reasons for the decision by the Minister.

(6) In sub-paragraph (5), "relevant objector" means a person who made an objection to the draft order that—

(a) was a remaining objection for the purposes of paragraph 4A, and

(b) had not been withdrawn by the time the order was made.**]**

Textual Amendments

F204 Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(4)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F206 Sch. 1 para. 4AA inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(2)** (with s. 247); S.I. 2024/389, reg. 2(t)

4B (1) The Minister may make an order (with or without modifications) so far as it relates to part of the land comprised in the draft order (the "relevant part") if each of the conditions in sub-paragraph (2) is met.

(2) The conditions are—

(a) the Minister or, if there is a remaining objection in respect of the order, the appropriate authority is satisfied that the order ought to be made so far as it relates to the relevant part but has not for the time being determined whether the order ought to be made so far as it relates to the remaining part;

(b) the Minister is satisfied that the notice requirements have been complied with.

(3) If there is a remaining objection in respect of the order, the Minister may only act under sub-paragraph (1) after the appropriate authority has complied with paragraph **[**[F207]4A(2) or (3)**][**[F207]4A(1A) or (1B)**]** (as the case may be).

(4) But he may act under sub-paragraph (1) without the appropriate authority having complied with those provisions if he is satisfied that all remaining objections relate solely to the remaining part of the land.

(5) If the Minister acts under sub-paragraph (1)—

(a) he must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;

(b) the order so far as it relates to each part of the land must be treated as a separate order.

(6) The notices to be published, affixed and served under paragraph 6 must include a statement as to the effect of the direction given under sub-paragraph (5)(a).

(7) Expressions used in this paragraph and in paragraph 4 or 4A must be construed in accordance with paragraph 4 or 4A (as the case may be).**]**

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Textual Amendments

F204 Sch. 1 paras. 4-4B substituted for Sch. 1 para. 4 (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(4)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

F207 Words in Sch. 1 para. 4B(3) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 2(3)** (with s. 247); S.I. 2024/389, reg. 2(t)

Land not included in draft order

5 The order, as made by the Minister, shall not, unless all persons interested consent, authorise the Minister to purchase compulsorily any land which the draft order would not have authorised the Minister to purchase compulsorily if it had been made without modification.

Notices after making of order

[[F208]6 (1) After the order has been made, the Minister must—

(a) serve a making notice, and a copy of the order as made, on each person on whom a notice was required to be served under paragraph 3, and

(b) affix a making notice to a conspicuous object or objects on or near the land comprised in the order.

(2) The notice under sub-paragraph (1)(b) must—

(a) be addressed to persons occupying or having an interest in the land;

(b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the **[**[F209]date when the order becomes operative**][**[F209]day on which the Minister takes the final step needed to comply with sub-paragraph (1)(a)**]**.

(3) **[**[F210]Unless the order was made conditionally,**]** The Minister must also publish a making notice—

[[F211](a)**]** in one or more local newspapers circulating in the locality in which the land comprised in the order is situated **[**[F212], and

(b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the Minister takes the final step needed to comply with sub-paragraph (1)(a).**]**

(4) A making notice is a notice—

(a) describing the land;

(b) stating that the order has been made;

[[F213](ba) if the order was made conditionally, stating the conditions and time specified under paragraph 4AA(3);**]**

(c) (except in the case of a notice under sub-paragraph (1)(a)) naming a place where a copy of the order as made and of the map referred to there may be inspected at all reasonable hours;

[[F214](ca) specifying a website on which those copies may be viewed;**]**

(d) that a person aggrieved by the order may apply to the High Court as mentioned in section 23.

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[F215] [(e) containing a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981;

(f) 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.]

[F216] [(4ZA) In the case of a notice under sub-paragraph (3)(a), the requirement in sub-paragraph (4)(a) to describe the land may be met by briefly identifying the land (by giving its postal address or otherwise).]

[F217] [(4A) If the appropriate authority is satisfied that, because of special circumstances, it is impracticable for the Minister to make the copies referred to in sub-paragraph (4)(c) available for inspection at an appropriate place, the appropriate authority may direct that the requirement in sub-paragraph (4)(c) is not to apply.]

[F218] [(4B) If the order was made conditionally and the Minister decides under paragraph 4AA that the conditions have been met, the Minister must serve—

(a) a copy of the order, and

(b) a fulfilment notice,

on each person on whom a notice was required to be served under paragraph 3.

(4C) Where sub-paragraph (4B) applies, the Minister must also—

(a) affix a fulfilment notice to a conspicuous object or objects on or near the land comprised in the order, and

(b) publish a fulfilment notice—

(i) in one or more local newspapers circulating in the locality in which the land comprised in the order is situated, and

(ii) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the Minister takes the final step needed to comply with sub-paragraph (4B).

(4D) A fulfilment notice is a notice—

(a) stating that the conditions subject to which the order was made have been met and that the order will therefore become operative, and

(b) annexing the information that was contained in the making notice [F219 except that, in the case of a fulfilment notice under sub-paragraph (4C)(b)(i), the requirement to annex a description of the land (see sub-paragraph (4)(a)) may be met by briefly identifying the land (by giving its postal address or otherwise).]]

(5) A making notice [F220 or fulfilment notice] must be in the prescribed form.

[F221] [(6) The Minister must send the making notice [F222, and any fulfilment notice,] to the Chief Land Registrar and [F223 it] [F223 each such notice] shall be a local land charge.]]

Textual Amendments

F208 Sch. 1 para. 6 substituted (6.8.2004 for specified purposes, 31.10.2004 in so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 101(5)** (with s. 101(6)); S.I. 2004/2097, art. 2; S.I. 2004/2593, art. 2(a)

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F209 Words in Sch. 1 para. 6(2)(b) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(3)(a)** (with s. 247); S.I. 2024/389, reg. 2(t)

F210 Words in Sch. 1 para. 6(3) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(3)(b)** (with s. 247); S.I. 2024/389, reg. 2(t)

F211 Words in Sch. 1 para. 6(3) renumbered as Sch. 1 para. 6(3)(a) (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling Up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(6)(a)(i)** (with s. 247); S.I. 2024/92, **reg. 2(r)**; S.I. 2024/389, **reg. 3(c)** (with reg. 4); S.I. 2025/1262, **reg. 2(1)(e)(2)** (with reg. 3)

F212 Sch. 1 para. 6(3)(b) and word inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(6)(a)(ii)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F213 Sch. 1 para. 6(4)(ba) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(3)(c)** (with s. 247); S.I. 2024/389, reg. 2(t)

F214 Sch. 1 para. 6(4)(ca) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(6)(b)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F215 Sch. 1 para. 6(4)(e)(f) inserted (1.10.2016 for specified purposes, 3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 15 para. 3(2)**; S.I. 2016/956, reg. 2(b)(ii); S.I. 2017/75, reg. 3(i); S.I. 2017/281, reg. 4(j)

F216 Sch. 1 para. 6(4ZA) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 106(6)(a)**, 118(5)(b) (with s. 116); S.I. 2025/1370, reg. 3(1)(a)

F217 Sch. 1 para. 6(4A) inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 1(6)(c)** (with s. 247); S.I. 2024/92, reg. 2(r); S.I. 2024/389, reg. 3(c) (with reg. 4); S.I. 2025/1262, reg. 2(1)(e)(2) (with reg. 3)

F218 Sch. 1 para. 6(4B)-(4D) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(3)(d)** (with s. 247); S.I. 2024/389, reg. 2(t)

F219 Words in Sch. 1 para. 6(4D)(b) inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 106(6)(b)**, 118(5)(b) (with s. 116); S.I. 2025/1370, reg. 3(1)(a)

F220 Words in Sch. 1 para. 6(5) inserted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(3)(e)** (with s. 247); S.I. 2024/389, reg. 2(t)

F221 Sch. 1 para. 6(6) inserted (3.2.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 15 para. 3(3)**; S.I. 2017/75, reg. 3(i) (with reg. 5); S.I. 2017/281, reg. 4(j)

F222 Words in , s. 255(7), **Sch. 19 para. 3(3)(f)(i)** (with s. 247); S.I. 2024/389, reg. 2(t)

F223 Words in Sch. 1 para. 6(6) substituted (31.3.2024 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(7), **Sch. 19 para. 3(3)(f)(ii)** (with s. 247); S.I. 2024/389, reg. 2(t)

SCHEDULE 2 Section 3.

MINERALS

Modifications etc. (not altering text)

C77 Sch. 2 excluded by Water Act 1989 (c. 15, SIF 130), **s. 159**, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
Sch. 2 excluded (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss.182**, 225(2) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)

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C78 Sch. 2 incorporated (with modifications) (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), **arts. 1**, 22 (with arts. 40, 41, Sch. 12 Pt. 1 paras. 49(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16)

PART I

Modifications etc. (not altering text)

C81 Sch. 2 Pts. 1-3 applied (with modifications) (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **22** (with art. 33)

1 (1) A compulsory purchase order may, as respects all or any of the land to which the order relates, provide for the incorporation with the compulsory purchase order of—

(a) Part II of this Schedule (which re-enacts section 77 of the Railways Clauses Consolidation Act 1845), or

(b) Parts II and III of this Schedule (which together re-enact sections 77 to 85 of that Act).

(2) In this Schedule, unless the context otherwise requires—

"mines" means mines of coal, ironstone, slate and other minerals,

"owner", in relation to mines or minerals, includes a lessee or occupier.

(3) In this Schedule "underlying", in relation to mines or minerals, means mines or minerals lying under, or within the prescribed distance from, the undertaking, and in this sub-paragraph "prescribed distance" means the distance prescribed by the compulsory purchase order, or if no distance is so prescribed, 40 yards.

(4) In this Schedule "the undertaking" means the undertaking which the acquiring authority is authorised to carry out by the enactment under which the purchase is authorised, but the compulsory purchase order may include such modifications of references in this Schedule to the undertaking as may be specified in the order.

(5) This Schedule has effect subject to **[**[F224]section 10(3) of the Coal Industry Act 1994**]** (coal not to be alienated under enactments authorising compulsory purchase of land).

Textual Amendments

F224 Words in Sch. 2 para. 1(5) substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 27(3)** (with s. 40(7)); S.I. 1994/2553, **art. 2**

Modifications etc. (not altering text)

C82 Sch. 2 para. 1(3) modified by Dartford–Thurrock Crossing Act 1988 (c. 20, SIF 59), s. 2(5), **Sch. 2 Pt. II para. 4(2)**

PART II

Modifications etc. (not altering text)

C83 Sch. 2 Pts. 2, 3 applied by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 37(2), **Sch. 5 Pt. III para. 4**

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C84 Sch. 2 Pts. 2, 3 applied (with modifications) (13.2.1992) by Severn Bridges Act 1992 (c. 3), s. 2(6), **Sch. 2 Pt. II para.3**

C85 Sch. 2 Pt. 2 applied (16.3.1992) by Avon Weir Act 1992 (c. v), **s. 4(2)** (with s. 61)

C86 Sch. 2 Pts. 2, 3 applied (16.7.1992) by Cattewater Reclamation Act 1992 (c. xiv), **s. 3(3)**
Sch. 2 Pts. 2, 3 applied (5.11.1993) by 1993 c. 42, s. 5, **Sch. 4 para. 2** (with s. 30(1), Sch. 2 para. 9).
Sch. 2 Pt. 2 applied (28.7.1998) by 1998 c. iv, **s. 7(1)** (with s. 41)

C87 Sch. 2 Pts. 2, 3 applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), s. 2(5), **Sch. 2 Pt. II para. 4(1)**
Sch. 2 Pts. 2, 3 applied (with modifications) (3.6.1999) by S.I. 1999/1555, **art. 9**
Sch. 2 Pt 2 applied (with modifications) (E.) (29.3.2001) by S.I. 2001/1347, **art. 36(1)** (with arts. 15, 37, 38(2))
Sch. 2 Pt. 2 applied (with modifications) (E.) (29.3.2001) by S.I. 2001/1348, **art. 12(1)**

C88 Sch. 2 Pt. 2 modified (18.12.1996) by 1996 c. 61, s. 4, **Sch. 4 Pt. III para. 13**

C89 Sch. 2 Pt. 2 applied (with modifications) (12.8.2002) by The Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), **art. 6(2)**
Sch. 2 Pt. 2 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 39(1)** (with art. 38)

C90 Sch. 2 Pts. 2, 3 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 50** (with art. 51)

C91 Sch. 2 Pts. 2, 3 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **46(1)** (with art. 47)

C92 Sch. 2 Pt. 2 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 6 para. 17**

C93 Sch. 2 Pts. 2, 3 incorporated (with modifications) (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **14** (with art. 30)

C94 Sch. 2 Pt. 2 incorporated (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **23**
Sch. 2 Pt. 2 incorporated (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 40

C95 Sch. 2 Pt. 2 incorporated (with modifications) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 32** (with arts. 30(4), 53)

C96 Sch. 2 Pts. 2, 3 incorporated (with modifications) (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **21(1)**

C97 Sch. 2 Pt. 2 incorporated (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **20**

C98 Sch. 2 Pt. 2 incorporated (with modifications) (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **19** (with Sch. 8 para. 10)

C99 Sch. 2 Pts. 2, 3 incorporated (with modifications) (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **13** (with art. 5)

C100 Sch. 2 Pts. 2, 3 incorporated (with modifications) (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **21**

C101 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (14.8.2015) by The Hirwaun Generating Station Order 2015 (S.I. 2015/1574), arts. 1, **17(1)** (with art. 30)

C102 Sch. 2 Pt. 2 incorporated (with modifications) (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **23** (with arts. 40, 41)

C103 Sch. 2 Pt. 2 incorporated in part (with modifications) (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **14** (with art. 26)

C104 Sch. 2 Pts. 2, 3 incorporated (with modifications) (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **27**

C105 Sch. 2 Pt. 2 incorporated in part (with modifications) (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **20** (with art. 32)

C106 Sch. 2 Pt. 2 incorporated (with modifications) (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **19** (with art. 37)

C107 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), **arts. 1**, 21 (with art. 39)

C108 Sch. 2 Pts. 2, 3 incorporated (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **21** (with arts. 4, 5(3))

C109 Sch. 2 Pts. 2, 3 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **38** (with art. 39)

C110 Sch. 2 Pts. 2, 3 incorporated (with modifications) (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **26** (with arts. 35, 36)

C111 Sch. 2 Pts. 2, 3 incorporated (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **37** (with art. 43)

C112 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **33**

C113 Sch. 2 Pt. 2 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), Sch. 6 para. 4(2)**(3)**

C114 Sch. 2 Pt. 2 incorporated (with modifications) (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **19** (with art. 22)

C115 Sch. 2 Pts. 2, 3 incorporated (with modifications) (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **22** (with arts. 4, 37)

C116 Sch. 2 Pts. 2, 3 incorporated (with modifications) (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **20**

C117 Sch. 2 Pt. 2 incorporated (with modifications) (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **21** (with arts. 3(3), 5)

C118 Sch. 2 Pt. 2 applied (with modifications) (7.5.2019) by The Midland Metro (Birmingham City Centre Extension, etc.) (Edgbaston Extension Land Acquisition) Order 2019 (S.I. 2019/882), arts. 1, **14** (with art. 18)

C119 Sch. 2 Pt. 2 incorporated (with modifications) (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **19**

C120 Sch. 2 Pt. 2 incorporated (with modifications) (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **33**

C121 Sch. 2 Pt. 2 incorporated in part (with modifications) (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **28** (with Sch. 13 Pt. 1 para. 19)

C122 Sch. 2 Pt. 2 incorporated (with modifications) (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **24** (with art. 3(1))

C123 Sch. 2 Pt. 2 incorporated (with modifications) (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **17** (with art. 7)

C124 Sch. 2 Pt. 2 incorporated (with modifications) (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **21** (with arts. 5, 44)

C125 Sch. 2 Pt. 2 incorporated in part (with modifications) (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), arts. 1, **28(1)** (with art. 28(2))

C126 Sch. 2 Pt. 2 incorporated (with modifications) (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **25** (with art. 37)

C127 Sch. 2 Pt. 2 incorporated (with modifications) (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **21** (with arts. 5, 44)

C128 Sch. 2 Pt. 2 incorporated (with modifications) (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **21** (with art. 5)

C129 Sch. 2 Pt. 2 applied (with modifications) (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 13**

C130 Sch. 2 Pt. 2 incorporated (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **26(b)**

C131 Sch. 2 Pt. 2 incorporated (with modifications) (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **24** (with art. 5, Sch. 27 para. 36)

C132 Sch. 2 Pt. 2 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), Sch. 7 para. 4(3)**(4)**

Changes to legislation: *Acquisition of Land Act 1981 is up to date with all changes known to be in force on or before 22 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C133 Sch. 2 Pt. 2 incorporated (with modifications) (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **24** (with arts. 4, 47)

C134 Sch. 2 Pt. 2 incorporated (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **30** (with arts. 15, 50, Sch. 11 para. 29)

C135 Sch. 2 Pt. 2 incorporated (with modifications) (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **21**

C136 Sch. 2 Pt. 2 incorporated (with modifications) (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **23** (with arts. 6, 34)

C137 Sch. 2 Pts. 2, 3 incorporated (with modifications) (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **26** (with arts. 5, 36)

C138 Sch. 2 Pts. 2, 3 incorporated (with modifications) (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **25** (with arts. 4, 50)

C139 Sch. 2 Pt. 2 incorporated (with modifications) (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **29** (with arts. 62, 76, 87)

C140 Sch. 2 Pt. 2 incorporated (with modifications) (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **24** (with arts. 4, 53)

C141 Sch. 2 Pt. 2 incorporated (with modifications) (8.9.2022) by The Manston Airport Development Consent Order 2022 (S.I. 2022/922), arts. 1, **20** (with arts. 5, 40)

C142 Sch. 2 Pt. 2 incorporated (with modifications) (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **25**

C143 Sch. 2 Pts. 2, 3 incorporated (with modifications) (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **25** (with arts. 4, 52, Sch. 9 para. 82)

C144 Sch. 2 Pt. 2 incorporated (with modifications) (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **23** (with art. 5)

C145 Sch. 2 Pt. 2 incorporated (with modifications) (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **25** (with art. 4)

C146 Sch. 2 Pt. 2 incorporated (with modifications) (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **25** (with arts. 4, 50)

C147 Sch. 2 Pt. 2 incorporated (with modifications) (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **44** (with art. 19)

C148 Sch. 2 Pt. 2 incorporated (with modifications) (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **26** (with arts. 5, 53, Sch. 8 paras. 6, 64)

C149 Sch. 2 Pt. 2 incorporated (with modifications) (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **19** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Pt. 3 para. 6(1), Pt. 4 para. 2, Pt. 9 para. 4)

C150 Sch. 2 Pt. 2 incorporated (with modifications) (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834),arts. 1, **20** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

C151 Sch. 2 Pts. 2, 3 incorporated (with modifications) (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **24** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))

C152 Sch. 2 Pts. 2, 3 incorporated (with modifications) (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **21** (with arts. 36, 37, Sch. 9 para. 14, 44(1), 76, 103)

C153 Sch. 2 Pts. 2, 3 incorporated (with modifications) (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **30** (with art. 43, Sch. 12 paras. 5, 24)

C154 Sch. 2 Pts. 2, 3 incorporated (with modifications) (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **28** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

C155 Sch. 2 Pts. 2, 3 incorporated (with modifications) (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **36** (with arts. 42, 43, Sch. 12)

C156 Sch. 2 Pts. 2, 3 incorporated (with modifications) (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **47** (with Sch. 11)

C157 Sch. 2 Pts. 2, 3 incorporated (with modifications) (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **20** (with arts. 18, 35, Sch. 9)

C158 Sch. 2 Pts. 2, 3 incorporated (with modifications) (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **23** (with art. 44, Sch. 15)

C159 Sch. 2 Pts. 2, 3 incorporated (with modifications) (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **28** (with arts. 21, 41, Sch. 10)

C160 Sch. 2 Pt. 2 incorporated (with modifications) (14.6.2024) by The A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024/733), arts. 1, **28** (with art. 6, Sch. 10)

C161 Sch. 2 Pts. 2, 3 incorporated (with modifications) (3.8.2024) by The Mallard Pass Solar Farm Order 2024 (S.I. 2024/796), arts. 1, **21** (with Sch. 15)

C162 Sch. 2 Pts. 2, 3 incorporated (with modifications) (27.9.2024) by The Cottam Solar Project Order 2024 (S.I. 2024/943), arts. 1, **47** (with art. 48, Sch. 15)

C163 Sch. 2 Pts. 2, 3 incorporated (with modifications) (4.10.2024) by The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (S.I. 2024/958), arts. 1, **31** (with art. 40, Sch. 14)

C164 Sch. 2 Pt. 2 incorporated in part (with modifications) (9.10.2024) by The M3 Junction 9 Development Consent Order 2024 (S.I. 2024/752), arts. 1, **25** (with art. 4, Sch. 10) (as amended by S.I. 2024/1020, **Sch.**) Sch. 2 Pt. 2 incorporated (with modifications) (15.2.2025) by The West Burton Solar Project Order 2025 (S.I. 2025/116), arts. 1, **21** (with art. 47, Sch. 15)

C165 Sch. 2 Pt. 3 incorporated in part (with modifications) (9.10.2024) by The M3 Junction 9 Development Consent Order 2024 (S.I. 2024/752), arts. 1, **25** (with art. 4, Sch. 10) (as amended by S.I. 2024/1020, **Sch.**) Sch. 2 Pts. 2, 3 incorporated (with modifications) (27.2.2025) by The Associated British Ports (Immingham Green Energy Terminal) Order 2025 (S.I. 2025/165), arts. 1, **36** (with arts. 48, 59, Sch. 14)

C166 Sch. 2 Pts. 2, 3 incorporated (with modifications) (15.4.2025) by The A122 (Lower Thames Crossing) Development Consent Order 2025 (S.I. 2025/462), arts. 1, **26** (with arts. 5, 43, 53(7), Sch. 14)

C167 Sch. 2 Pt. 2 incorporated (with modifications) (23.4.2025) by The Cambridge Waste Water Treatment Plant Relocation Order 2025 (S.I. 2025/452), arts. 1, **40**

C168 Sch. 2 Pts. 2, 3 incorporated (with modifications) (24.4.2025) by The London Luton Airport Expansion Development Consent Order 2025 (S.I. 2025/463), arts. 1, **25** (with Sch. 8 paras. 36(3), 87)

C169 Sch. 2 Pts. 2, 3 incorporated (with modifications) (28.4.2025) by The Rampion 2 Offshore Wind Farm Order 2025 (S.I. 2025/468), arts. 1, **33** (with arts. 47, 48, Sch. 10)

C170 Sch. 2 Pts. 2, 3 incorporated (with modifications) (1.5.2025) by The Viking CCS Carbon Dioxide Pipeline Order 2025 (S.I. 2025/509), arts. 1(2), **26** (with art. 41, Sch. 9)

C171 Sch. 2 Pts. 2, 3 incorporated (with modifications) (31.5.2025) by The East Yorkshire Solar Farm Order 2025 (S.I. 2025/585), arts. 1, **48** (with art. 49, Sch. 14)

C172 Sch. 2 Pts. 2, 3 incorporated (with modifications) (25.6.2025) by The M5 Junction 10 Development Consent Order 2025 (S.I. 2025/795), arts. 1, **22** (with arts. 4, 43, Sch. 9)

C173 Sch. 2 Pts. 2, 3 incorporated (with modifications) (11.7.2025) by The Oaklands Farm Solar Park Order 2025 (S.I. 2025/739), arts. 1, **31** (with Sch. 10)

C174 Sch. 2 Pts. 2, 3 incorporated (with modifications) (28.7.2025) by The Mona Offshore Wind Farm Order 2025 (S.I. 2025/870), arts. 1, **22** (with arts. 37, 38, Sch. 10)

C175 Sch. 2 Pts. 2, 3 incorporated (with modifications) (30.9.2025) by The M60/M62/M66 Simister Island Interchange Development Consent Order 2025 (S.I. 2025/1018), arts. 1, **22** (with arts. 5, 34, Sch. 9)

C176 Sch. 2 Pts. 2, 3 incorporated (with modifications) (12.10.2025) by The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (S.I. 2025/1054), arts. 1, **29** (with arts. 5, 9(6), 43, Sch. 9)

C177 Sch. 2 Pts. 2, 3 incorporated (with modifications) (22.10.2025) by The A46 Newark Bypass Development Consent Order 2025 (S.I. 2025/1090), arts. 1, **27** (with arts. 4, 9, 51, Sch. 9)

C178 Sch. 2 Pts. 2, 3 incorporated (with modifications) (5.11.2025) by The Tillbridge Solar Order 2025 (S.I. 2025/1105), arts. 1, **48** (with art. 49, Sch. 15)

C179 Sch. 2 Pts. 2, 3 incorporated (with modifications) (13.11.2025) by The Stonestreet Green Solar Order 2025 (S.I. 2025/1175), arts. 1, **22** (with art. 40, Sch. 13)

C180 Sch. 2 Pts. 2, 3 incorporated (with modifications) (8.1.2026) by The Five Estuaries Offshore Wind Farm Order 2025 (S.I. 2025/1376), arts. 1, **24** (with arts. 39, 40, Sch. 9)

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2 (1) The acquiring authority shall not be entitled to any mines under the land comprised in the compulsory purchase order unless they have been expressly purchased, and all mines under the land shall be deemed to be excepted out of the conveyance of that land unless expressly named and conveyed.

(2) Sub-paragraph (1) above shall not apply to minerals necessarily extracted or used in the construction of the undertaking.

PART III

Modifications etc. (not altering text)

C181 Sch. 2 Pts. 2, 3 applied by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 37(2), **Sch. 5 Pt. 3 para. 4**

C182 Sch. 2 Pts. 2, 3 applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), s. 2(5), **Sch. 2 Pt. 2 para. 4(1)**

Sch. 2 Pt. 3 applied (with modifications) (28.7.1998) by 1998 c. iv, **s. 7(1)(2)**(with s. 41)

Sch. 2 Pts. 2, 3 applied (with modifications) (3.6.1999) by S.I. 1999/1555, **art. 9**

Sch. 2 Pt. 3 applied (with modifications) (E.) (29.3.2001) by S.I. 2001/1347, **art. 36(1)** (with arts. 15, 37, 38(2))

Sch. 2 Pt. 3 applied (with modifications) (E.) (29.3.2001) by S.I. 2001/1348, **art. 12(1)**

C183 Sch. 2 Pt. 3 modified (18.12.1996) by 1996 c. 61, s. 4, **Sch. 4 Pt. 3 para. 13**

C184 Sch. 2 Pt. 3 applied (with modifications) (12.8.2002) by The Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), **art. 6(2)**

Sch. 2 Pt. 3 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 39(1)** (with art. 38)

C185 Sch. 2 Pt. 3 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 6 para. 17**

C186 Sch. 2 Pt. 3 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 3 para. 3(5)**

C187 Sch. 2 Pt. 3 incorporated (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **23**

Sch. 2 Pt. 3 incorporated (with modifications) (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1**, 40

C188 Sch. 2 Pt. 3 incorporated (with modifications) (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 32** (with arts. 30(4), 53)

C189 Sch. 2 Pt. 3 incorporated in part (with modifications) (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **14** (with art. 26)

C190 Sch. 2 Pt. 3 incorporated in part (with modifications) (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **20** (with art. 32)

C191 Sch. 2 Pts. 2, 3 incorporated in part (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), **arts. 1**, 21 (with art. 39)

C192 Sch. 2 Pt. 3 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 4 para. 4(5)**

C193 Sch. 2 Pt. 3 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), Sch. 6 para. 4(2)**(3)**

C194 Sch. 2 Pt. 3 incorporated (with modifications) (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **19** (with art. 22)

C195 Sch. 2 Pt. 3 applied (with modifications) (7.5.2019) by The Midland Metro (Birmingham City Centre Extension, etc.) (Edgbaston Extension Land Acquisition) Order 2019 (S.I. 2019/882), arts. 1, **14** (with art. 18)

C196 Sch. 2 Pt. 3 incorporated (with modifications) (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **19**

C197 Sch. 2 Pt. 3 incorporated (with modifications) (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **33**

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C198 Sch. 2 Pt. 3 incorporated in part (with modifications) (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **28** (with Sch. 13 Pt. 1 para. 19)

C199 Sch. 2 Pt. 3 incorporated (with modifications) (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **24** (with art. 3(1))

C200 Sch. 2 Pt. 3 incorporated (with modifications) (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **17** (with art. 7)

C201 Sch. 2 Pt. 3 incorporated in part (with modifications) (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), arts. 1, **28(1)** (with art. 28(2))

C202 Sch. 2 Pt. 3 incorporated (with modifications) (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **25** (with art. 37)

C203 Sch. 2 Pt. 3 applied (with modifications) (23.9.2020) by The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020 (S.I. 2020/1067), **art. 13**

C204 Sch. 2 Pt. 3 incorporated (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **26(b)**

C205 Sch. 2 Pt. 3 applied (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), Sch. 7 para. 4(3)**(4)**

C206 Sch. 2 Pt. 3 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 4 para. 4(5)**

C207 Sch. 2 Pt. 3 incorporated (with modifications) (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **24** (with arts. 4, 47)

C208 Sch. 2 Pt. 3 incorporated (with modifications) (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **30** (with arts. 15, 50, Sch. 11 para. 29)

C209 Sch. 2 Pt. 3 incorporated (with modifications) (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **29** (with arts. 62, 76, 87)

C210 Sch. 2 Pt. 3 incorporated (with modifications) (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **24** (with arts. 4, 53)

C211 Sch. 2 Pt. 3 incorporated (with modifications) (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **25**

C212 Sch. 2 Pt. 3 incorporated (with modifications) (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **25** (with art. 4)

C213 Sch. 2 Pt. 3 incorporated (with modifications) (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **25** (with arts. 4, 50)

C214 Sch. 2 Pt. 3 incorporated in part (with modifications) (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **44** (with art. 19)

C215 Sch. 2 Pt. 3 incorporated (with modifications) (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **26** (with arts. 5, 53, Sch. 8 paras. 6, 64)

C216 Sch. 2 Pt. 3 incorporated (with modifications) (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **19** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Pt. 3 para. 6(1), Pt. 4 para. 2, Pt. 9 para. 4)

C217 Sch. 2 Pt. 3 incorporated (with modifications) (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834),arts. 1, **20** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

C218 Sch. 2 Pt. 3 incorporated (with modifications) (23.4.2025) by The Cambridge Waste Water Treatment Plant Relocation Order 2025 (S.I. 2025/452), arts. 1, **40**

3 (1) If the owner of any underlying mines or minerals desires to work them, he shall give the acquiring authority notice in writing of his intention to do so 30 days before the commencement of working.

(2) On receipt of the notice the acquiring authority may cause the mines to be inspected by a person appointed by them for the purpose.

(3) Subject to paragraph 4(1) below, if the acquiring authority consider that the working of the underlying mines or minerals is likely to damage the undertaking, and is willing

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to compensate the owner for all or any part of the mines, the owner shall not work or get them.

(4) If the acquiring authority and the owner do not agree on the amount of compensation the question shall be referred to and determined by the **[**[F225]Upper Tribunal**]**.

Textual Amendments

F225 Words in Sch. 2 para. 3(4) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 151** (with Sch. 5)

4 (1) If before the expiration of 30 days from the receipt of notice under paragraph 3(1) above the acquiring authority do not state their willingness to treat with the owner for the payment of compensation the owner may work any of the underlying mines for which the acquiring authority has not agreed to pay compensation by proper methods and in the usual manner of working such mines in the district in question.

(2) If any damage or obstruction to the undertaking is caused by improper working of the underlying mines—

(a) the owner of the mines shall forthwith repair or remove the damage or obstruction at his own expense,

(b) the acquiring authority may, without waiting for the owner to perform his duty, or in case of his default, repair or remove the damage or obstruction and recover their expenses from the owner in proceedings in the High Court.

Severed mines

5 (1) If underlying mines in which any protected minerals are situated extend on both sides of the undertaking, the owner of the mines may cut and make any communication works through the protected minerals required for the ventilation, drainage and working of the mines.

(2) The communication works shall not exceed the dimensions or sections prescribed by the compulsory purchase order, and where dimensions are not so prescribed, they shall not be more than eight feet high and eight feet wide.

(3) The communication works shall not be cut or made on any part of the undertaking, or so as to injure it or impede its use.

(4) In this paragraph—

(a) "protected minerals" means mines, measures or strata the working of which is prevented under paragraph 3(3) above,

(b) "communication works" means airways, headings, gateways or water levels.

6 (1) If underlying mines extend on both sides of the undertaking, the acquiring authority shall from time to time pay to the owner of the mines (in addition to any compensation under paragraph 3 above) any expenses and losses incurred by him in consequence of—

(a) the severance by the undertaking of the land lying over the mines,

(b) the interruption of continuous working of the mines in consequence of paragraph 3(3) above, and

(c) the mines being worked in such manner and subject to such restrictions as not to prejudice or injure the undertaking,

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and for any minerals not purchased by the acquiring authority which cannot be obtained by reason of the making and maintenance of the undertaking.

(2) Any dispute as to the amount payable under this paragraph shall be determined by arbitration.

7 (1) Where works carried out under paragraph 5 above cause loss or damage to the owner or occupier of land lying over the mines the acquiring authority shall pay full compensation to him for the loss or damage.

(2) This paragraph shall not apply where the person sustaining the loss or damage is the owner of the mines.

Powers of entry

8 (1) For the purpose of ascertaining whether underlying mines have been worked so as to damage the undertaking the acquiring authority may, after giving 24 hours notice in writing—

(a) enter on any land in which the mines are, or are thought to be, being worked, and which is in or near to the land where the undertaking is situated, and

(b) enter the mines and any works connected with the mines.

(2) For the said purpose the acquiring authority may make use of any apparatus or machinery belonging to the owner of the mines, and may use all necessary means for discovering the distance from the undertaking to the parts of the mines which are, or are about to be, worked.

(3) If the owner of the mines refuses to allow a person appointed by the acquiring authority for the purpose to enter the mines or works under this paragraph he shall be liable on summary conviction to a sum not exceeding £50.

Remedial works

9 (1) If it appears that mines have been worked contrary to the provisions of this Schedule, the acquiring authority may give notice to the owner of the mines to construct such works and adopt such means as may be necessary or proper for making safe the undertaking, and preventing injury to it.

(2) If the owner of the mines does not comply with the notice, the acquiring authority may themselves construct the works, and may recover their expenses from the owner by proceedings in the High Court.

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[F226SCHEDULE 2A

Section 15A

ENACTMENTS ELIGIBLE FOR DIRECTIONS APPLYING SECTION 14A OF THE LAND COMPENSATION ACT 1961

Textual Amendments

F226 Sch. 2A inserted (31.3.2024 for W. for specified purposes, 30.4.2024 for E.) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 190(1)(d)**, 255(7) (with s. 247); S.I. 2024/92, reg. 4 (with reg. 6(6)); S.I. 2024/389, reg. 2(l)

Enactments authorising acquisitions for purposes including housing

[F227A1 Section 125 of the Local Government Act 1972 (compulsory acquisition of land on behalf of parish or community councils).**]**

Textual Amendments

F227 Sch. 2A para. A1 inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 113(3)**, 118(5)(g)(ii) (with s. 116); S.I. 2025/1370, reg. 3(1)(d)

1 Section 21A(1)(c) and (2)(c) of the Welsh Development Agency Act 1975 (acquisition by Welsh Ministers of land in England for Welsh development purposes).

2 Section 142 of the Local Government, Planning and Land Act 1980 (acquisition by urban development corporation).

3 Section 17 of the Housing Act 1985 (acquisition by local housing authority).

4 Section 226 of the Town and Country Planning Act 1990 (acquisition by local authority for development or planning purposes).

5 Section 333ZA of the Greater London Authority Act 1999 (acquisition by Greater London Authority for housing or regeneration purposes).

6 Section 9 of the Housing and Regeneration Act 2008 (acquisition by the Homes and Communities Agency).

7 Section 207 of the Localism Act 2011 (acquisition by mayoral development corporation).

Textual Amendments

F227 Sch. 2A para. A1 inserted (19.12.2025 for specified purposes) by Planning and Infrastructure Act 2025 (c. 34), **ss. 113(3)**, 118(5)(g)(ii) (with s. 116); S.I. 2025/1370, reg. 3(1)(d)

Enactments authorising acquisitions for purposes of the NHS

8 Paragraph 46 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (acquisition by NHS foundation trust).

9 Paragraph 27 of Schedule 4 to the National Health Service Act 2006 (acquisition by NHS trust).

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10 In the National Health Service (Wales) Act 2006—
(a) paragraph 20 of Schedule 2 (acquisition by local health board);
(b) paragraph 27 of Schedule 3 (acquisition by NHS trust).

Enactment authorising acquisitions for educational purposes

11 Section 530 of the Education Act 1996 (acquisition by local authority for purposes of educational institution or function).**]**

SCHEDULE 3 Section 28.

ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

Modifications etc. (not altering text)

C219 Sch. 3 applied by Housing Act 1988 (c. 50, SIF 61), **s. 77(5)(6)**

C220 Sch. 3 applied by Water Act 1989 (c. 15, SIF 130), **s. 151(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

C221 Sch. 3 applied (with modifications) by Water Act 1989 (c. 15, SIF 130), s. 155(3)(7), **Sch. 20 paras. 6(1)(b)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

C222 Sch. 3 applied by Electricity Act 1989 (c. 29, SIF 44:1), ss. 10(1), 112(3), Pt. II para. 5, **Sch. 17 para. 35(1)**

C223 Schedule 3 applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 155(4)**, 223(2) (with saving in s. 188 and with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
Schedule 3 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 167, 223(2), **Sch. 11 para. 6(1)(b)** (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
Schedule 3 applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 154(4)**, 225(2) (with saving in s. 182 and with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
Schedule 3 applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 168, 225(2), **Sch. 19**, para. 6(1)(b) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
Schedule 3 applied (with modifications) (10.11.1993) by 1993 c. 28, ss. 162(5), 169, **Sch. 20 Pt. I**; S.I. 1993/2762, **art. 3**.
Sch. 3 applied (18.12.1996) by 1996 c. 61, **s. 5(4)**
Sch. 3 extended (26.3.2001) by 2000 c. 26, s. 95, **Sch. 5**, Pt. II para. 4(2); S.I. 2000/2957, art. 2(3), **Sch. 3**

C224 Sch. 3 applied (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 7(6)**

C225 Sch. 3 applied (with modifications) (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 2 para. 2**; S.I. 2008/3068, art. 2(1)(d) (with arts. 6-13)

PART I

1 In this Schedule "right" means a right to which section 28(1) of this Act applies, or any right to which this Schedule is applied by any Act passed after this Act.

General modifications

2 (1) This Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition of a right as it applies to the compulsory acquisition of land, so that, in appropriate contexts, references in this Act to land are read as referring, or

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as including references, to the right acquired or to be acquired, or to land over which the right is, or is to be, exercisable, according to the requirements of the particular context.

(2) Without prejudice to the generality of sub-paragraph (1) above, Part II of this Schedule shall apply to the compulsory acquisition of a right in substitution for Part III of this Act.

PART II

ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND

Statutory undertakers land

3 (1) This paragraph applies where the land over which a right is to be acquired by virtue of a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied—

(a) that any of the said land is used for the purposes of the carrying on of their undertaking, or

(b) that an interest in any of the said land is held for those purposes.

[[F228]and the representation is not withdrawn.**]**

(2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of a right over any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

(a) that the right can be purchased without serious detriment to the carrying on of the undertaking, or

(b) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them,

and certifies accordingly.

Textual Amendments

F228 Words in Sch. 3, para. 3(1) added (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para.10(1); S.I. 1991/2067, **art. 3**.

Modifications etc. (not altering text)

C226 Sch. 3 para. 3 functions transferred (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **18**

Orders subject to special parliamentary procedure

Local authority and statutory undertakers' land

4 (1) This paragraph applies to land which—

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(a) is the property of a local authority, or

(b) has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

(2) Subject to sub-paragraph (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of rights over land to which this paragraph applies, be subject to special parliamentary procedure in any case where an objection to **[**[F229]the compulsory purchase of the rights**]** has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

(3) Sub-paragraph (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in sub-paragraph (4) below), **[**[F230]an urban development corporation**][**[F231], a Mayoral development corporation**]**[F232]**[**[F233]...,**]**. . . [F234]. . ., **[**[F235]a Welsh planning board,**]**any statutory undertakers or a Minister.

(4) In sub-paragraph (3) above—

"local authority" means—

(a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,

(b) in relation to Wales, the council of a county or **[**[F236]county borough**]**,

and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

"statutory undertakers" has the same meaning as in section 17(3) of this Act.

[[F237]"a Welsh planning board" means a board constituted under—

(a) section 2(1B) of the Town and Country Planning Act 1990; [F238]. . .

(b) [F238]. . . . . .**]**

Textual Amendments

F229 Words in Sch. 3 para. 4(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 25(7)(b)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

F230 Words in Sch. 3, para. 4(3) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 11; S.I. 1991/2067, **art. 3**.

F231 Words in Sch. 3 para. 4(3) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 7(4)**

F232 Words in Sch. 3 para. 4(3) omitted (1.4.2006) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), arts. 1(2), 7, **Sch. 2 para. 9(2)** (with art. 3(1))

F233 Words in Sch. 3 para. 4(3) inserted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. II para. 20** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F234 Words in Sch. 3 para. 4(3) repealed (1.4.1997) by 1995 c. 25, s. 120, **Sch. 24** (with s. 117); S.I. 1996/2560, art. 2, **Sch.**

F235 Words in Sch. 3 para. 4(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(2)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

F236 Words in definition in Sch. 3 para. 4(4)(b) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 64(2)** (with s. 54, Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

F237 Definition in Sch. 3 para. 4(4) added (1,4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 17(2)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

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F238 Sch. 3 para. 4(4): para. (b) and the word or immediately preceding it in definition of "statutory undertakers" repealed (1.4.1997) by 1995 c. 25, s. 120, **Sch. 24**)(with s. 117); S.I. 1996/2560, art. 2, **Sch.**

National Trust land

5 (1) This paragraph applies to land belonging to the National Trust which is held by the Trust inalienably.

(2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of rights over land to which this paragraph applies, be subject to special parliamentary procedure in any case where an objection to **[**[F239]the compulsory purchase of the rights**]** has been duly made by the National Trust and has not been withdrawn.

(3) In this paragraph "held inalienably", in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the [M36]National Trust Act 1907 or section 8 of the [M37]National Trust Act 1939.

Textual Amendments

F239 Words in Sch. 3 para. 5(2) substituted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 25(7)(b)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

Marginal Citations

M36 1907 c. cxxxvi.

M37 1939 c. lxxxvi.

Commons, open spaces etc.

6 (1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before, or

[[F240](aa) that the right is being acquired in order to secure the preservation or improve the management of the land**]**

(b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order, or

(c) that the land affected by the right to be acquired does not exceed 250 square yards in extent, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

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(2) In the case of a compulsory purchase order under the [M38]Highways Act 1980 sub-paragraph (1)(c) above shall have effect as if after the words "extent" there were inserted the words "or the right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway".

(3) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall **[**[F241]direct the acquiring authority to**]**give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

[[F242](3A) Notice under sub-paragraph (3) above shall be given in such form and manner as the Secretary of State may direct.**]**

(4) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and **[**[F243]except where the Secretary of State has given his certificate under sub-paragraph (1)(aa) above.**]**for discharging the land over which any right is to be acquired from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of that right.

(5) In this paragraph—

"common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

"fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

"open space" means any land laid out as a public garden, or used for the purpose of public recreation, or land being a disused burial ground.

Textual Amendments

F240 Sch. 3, para. 6(1)(aa) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(2)(a); S.I. 1991/2067, **art. 3**.

F241 Words in Sch. 3, para. 6(3) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(2)(b); S.I. 1991/2067, **art.3**.

F242 Sch. 3, para. 6(3A) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(2)(c); S.I. 1991/2067, **art.3**.

F243 Words in Sch. 3, para. 6(4) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15**, para. 12(2)(d); S.I. 1991/2067, **art.3**.

Marginal Citations

M38 1980 c. 66.

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Ancient monuments

[F244]7 . . . . . .

Textual Amendments

F244 Sch. 3, para. 7 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), ss. 70, 84(6), Sch. 15, para. 28, **Sch. 19 PartIII**, S.I. 1991/2067, art. 3.

Land within more than one provision in this Schedule

8 In the case of land falling within more than one of paragraphs 4 to 7 above, a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those paragraphs.

Notice of giving of certificate

9 As soon as may be after the giving of a certificate under this Schedule, the acquiring authority shall publish—

[[F245](a)**]** in one or more local newspapers circulating in the locality in which the land comprised in the order is situated **[**[F246], and

(b) on an appropriate website, until the end of the period of 6 weeks beginning with the day on which the certificate is given,**]**

a notice in the prescribed form stating that the certificate has been given.

Textual Amendments

F245 Words in Sch. 3 para. 9 renumbered as Sch. 3 para. 9(a) (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling Up and Regeneration Act 2023 (c. 55), **ss. 181(8)(a)**, 255(7) (with s. 247); S.I. 2024/92, **reg. 2(j)**; S.I. 2024/389, **reg. 3(a)** (with reg. 4); S.I. 2025/1262, **reg. 2(1)(a)(2)** (with reg. 3)

F246 Sch. 3 para. 9(b) and word inserted (31.1.2024 for specified purposes, 30.4.2024 for E. in so far as not already in force, 2.12.2025 for specified purposes) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 181(8)(b)**, 255(7) (with s. 247); S.I. 2024/92, reg. 2(j); S.I. 2024/389, reg. 3(a) (with reg. 4); S.I. 2025/1262, reg. 2(1)(a)(2) (with reg. 3)

SCHEDULE 4 Section 34.

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C227 The text of Schedule 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: *Acquisition of Land Act 1981 is up to date with all changes known to be in force on or before 22 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Translation of references to the Act of 1946

1 In the enactment specified in the Table below for "Acquisition of Land (Authorisation Procedure) Act 1946" or "said Act of 1946" substitute " Acquisition of Land Act 1981 ".

TABLE

In the Metropolitan Police Act 1886 (c. 22)

section 4(11).

In the Small Holdings and Allotments Act 1908 (c. 36)

section 25(1).

F247

. . .

In the Fire Services Act 1947 (c. 41)

section 3(5).

In the Agriculture Act 1947 (c. 48)

F248

. . .

section 93(1)(b).

F249

. . .

F250

. . .

In the Coast Protection Act 1949 (c. 74)

section 14(1) and (3)

section 27(3) and (6).

F251

. . .

In the Prison Act 1952 (c. 52)

section 36(2).

[[F252]In the Town Development Act 1952 (c. 54)**]**

[[F252]section 6(4).**]**

In the Atomic Energy Authority Act 1954 (c. 32)

sections 5(1) and 9(3).

F253

. . .

In the Underground Works (London) Act 1956 (c. 59)

section 6(6).

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F254

. . .

In the Caravan Sites and Control of Development Act 1960 (c. 62)

section 24(6).

In the Transport Act 1962 (c. 46)

section 15(1), (3) and (4).

F255

. . .

In the Agriculture Act 1967 (c. 22)

section 51(7).

F256

. . .

In the Leasehold Reform Act 1967 (c. 88)

paragraph 3(4) of Schedule 4.

F257

. . .

F258

. . .

section 55(1), (2) and (3).

F259

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F259

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F260

. . .

In the Gas Act 1972 (c. 60)

paragraph 3(1) of Schedule 2.

In the Local Government Act 1972 (c. 70)

section 121(4)

F261

. . .

In the Slaughterhouses Act 1974 (c. 3)

section 30(2).

F262

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F263

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section 22(5).

Changes to legislation: *Acquisition of Land Act 1981 is up to date with all changes known to be in force on or before 22 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F264

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F264

. . ..

F265

. . .

section 28(1).

In the Refuse Disposal (Amenity) Act 1978 (c. 3)

section 7.

In the Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

section 10(2)

section 16(9).

Textual Amendments

F247 Entry repealed by Energy Act 1983 (c. 25, SIF 44:1), **Sch. 4 Pt. I**

F248 Entry in Sch. 4 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

F249 Entry repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18**

F250 Entry repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1, **Sch. 1 Pt. VII**

F251 Entry repealed by Mineral Workings Act 1985 (c. 12, SIF 86), **Sch. 2**

F252 Entry repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), **Sch. 12 Pt. II**

F253 Entry repealed by Food Act 1984 (c. 30, SIF 53:1), **Sch. 11**

F254 Entry repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F255 Entry repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F256 Entry repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

F257 Entry repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F258 Entry in Sch. 4 para. 1 Table repealed (26.3.2001 subject to art. 1(3) of the amending S.I.) by S.I. 2001/1149, art. 3(2), **Sch. 2**

F259 Words in Sch. 4 para. 1 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(aa)

F260 Entry repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF:123:1, 2), s. 3, **Sch. 1**

F261 Words by Housing and Planning Act 1986 (c. 63, SIF 61), s. 49(2), **Sch. 12**, Pt. III

F262 Entry repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F263 Entry in Sch. 4 para. 1 Table repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. III** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

F264 Entry in Sch. 4 para. 1 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), **Sch. 3 Part I** (with Sch. 2 paras. 10, 14(1), 15)

F265 Entry in Sch. 4 para. 1 Table repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

Land Settlement Facilities Act 1919 (c. 59)

2 (1) In section 2(1) of the Land Settlement Facilities Act 1919, as amended by Schedule 4 to the Acquisition of Land (Authoritisation Procedure) Act 1946, for "paragraph (3)

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of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute " section 11(1) of the Compulsory Purchase Act 1965 ".

(2) This paragraph (like the said amendment by Schedule 4 to the said Act of 1946) shall not affect the application of the said section 2 in relation to the compulsory hiring of land or to an agreement to hire land.

Agriculture Act 1947 (c. 48)

F266 3 . . . . . .

Textual Amendments

F266 Sch. 4 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

4 . . . . . F267

Textual Amendments

F267 Sch. 4 para. 4 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

5 . . . . . F268

Textual Amendments

F268 Sch. 4 para. 5 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**

6 . . . . . F269

Textual Amendments

F269 Sch. 4 para. 6 repealed by Civil Aviation Act 1982 (c. 16, SIF 9), s. 109(3), **Sch. 16**

Coast Protection Act 1949 (c. 74)

7 (1) In section 14(2) of the Coast Protection Act 1949 for "paragraph 15 of the First Schedule to the said Act of 1946" substitute " section 23(3) of the Acquisition of Land Act 1981 ".

(2) In section 14(3) of the said Act of 1949 for "paragraph 15 of the First Schedule thereto", in the first place where those words occur, substitute " section 23(3) thereof ".

National Parks and Access to the Countryside Act 1949 (c. 97)

8 In section 103 of the National Parks and Access to the Countryside Act 1949 before subsection (2) insert—

"(1A) The Acquisition of Land Act 1981 shall apply to the acquisition of land under this Act, and in relation to the acquisition under this Act of any interest

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in land the Compulsory Purchase Act 1965 shall apply with any necessary modifications".

Housing Repairs and Rents Act 1954 (c. 53)

9 For section 50 of the Housing Repairs and Rents Act 1954 substitute—

"**50 Exclusion of statutory tenants from receipt of certain notices.**

(1) This section applies for the purposes of—

(a) paragraph 3(b) of Schedule 1 to the National Parks and Access to the Coutryside Act 1949 (orders designating national parks and other orders), and

(b) any local enactment regulating the service of notices in respect of the proposed exercise of any powers in relation to land.

(2) For those purposes an occupier who is a statutory tenant within the meaning of the Rent Act 1977 of the Rnt (Agriculture) Act 1976 shall be deemed to be a tenant for a period less than a month."

10 . . . . . F270

Textual Amendments

F270 Sch. 4 para. 10 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

Opencast Coal Act 1958 (c. 69)

11 (1) The Opencast Coal Act 1958 shall be amended as follows.

(2) Before subsection (5) of section 4 insert—

"(4A) Parts II, III and IV of the Acquisition of Land Act 1981 shall apply to compulsory rights orders, subject to section 29 of that Act".

(3) In section 4(7) after "Lands Clauses Acts" insert " and the Compulsory Purchase Act 1965 ".

(4) Before subsection (5) of section 16 insert—

"(4A) In relation to the compulsory purchase of a right by virtue of this section—

(a) the Acquisition of Land Act 1981 shall apply, and

(b) that Act and the Compulsory Purchase Act 1965 shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as reference to the land on which the works or pipes are to be placed, and references to the obtaining or taking possession of the first mentioned land were construed as references to the exercise of the right."

(5) F271

(6) In paragraph 3(2) of Schedule 9 for "First Schedule to the Acquisition of Land Act or" substitute " Acquisition of Land Act 1981 or Schedule 1 to ".

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Textual Amendments

F271 Sch. 4 para. 11(5) repealed by Housing and Planning Act 1986 (c. 63, SIF 61), s. 39(4), **Sch. 12 Pt. II**

12 . . . . . **F272**

Textual Amendments

F272 Sch. 4 para. 12 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Police Act 1964 (c. 48)[F273F273]

Textual Amendments

F273 Sch. 4 para. 13 repealed (1.4.1995) by 1994 c. 29, ss. 93, 94, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**

13 . . . . . .

Compulsory Purchase Act 1965 (c. 56)

14 (1) The Compulsory Purchase Act 1965 shall be amended as follows.

(2) For section 1(1) substitute—

"**1** (1) This Part of this Act shall apply in relation to any compulsory purchase to which Part II of the Acquisition of Land Act 1981, or Schedule 1 to that Act, applies, and in this Part of this Act—

(a) "the Acquisition of Land Act" means that Act,

(b) "compulsory purchase order" has the same meaning as in that Act."

(3) In section 11(1)—

(a) for "paragraph 3 of Schedule 1 to the Act of 1946" substitute " section 12(3) of the Acquisition of Land Act ",

(b) for "section 8(1) of the Act of 1946" substitute " section 7(1) of the Acquisition of Land Act ".

(4) For section 30 substitute—

"**30** Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act."

(5) In section 31 for "paragraph 3 of Schedule 1 to the Act of 1946" substitute " section 12(3) of the Acquisition of Land Act. "

(6) In section 32 for "Act of 1946" substitute " Acquisition of Land (Authorisation of Procedure) Act 1946 ".

(7) In Part II, in sections . . . **F274**, . . . **F275**, 37(1), and 38(1) for "Act of 1946" substitute "Acquisition of Land Act 1981"

(8) **F276**

Changes to legislation: *Acquisition of Land Act 1981 is up to date with all changes known to be in force on or before 22 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) In section 39(2) for "Act of 1946" substitute " Acquisition of Land (Authorisation Procedure) Act 1946 ".

Textual Amendments

F274 Words repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F275 Words repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), **s. 3 Pt. I**

F276 Sch. 4 para. 14(8) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Agriculture Act 1967 (c. 22)

15 (1) The Agriculture Act of 1967 shall be amended as follows.

(2) In section 50(7) for "Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute " Part IV of the Acquisition of Land Act 1981 ".

(3) In Schedule 5 before paragraph 7 insert—

"6A (1) Part IV of the Acquisition of Land Act 1981 shall with the necessary modifications (and in particular with the substitution for references to that Act of references to this Act) apply in relation to an order made under this Schedule as the said Part IV applies in relation to compulsory purchase orders.

(2) Section 6 of the Acquisition of Land Act 1981 shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the appropriate modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said section 6(4).

(3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to a public local inquiry held in pursuance of this Schedule as if the Minister there mentioned were the appropriate Minister".

Leasehold Reform Act 1967 (c. 88)

16 (1) Schedule 4 to the Leasehold Reform Act 1967 shall be amended as follows.

(2) In paragraph 4 for the words from "and the provisions" to the end of that paragraph substitute " and the Acquisition of Land Act shall apply to a compulsory purchase under this paragraph ".

(3) For paragraph 5(2) [F277]. . . substitute—

"(2) The Acquisition of Land Act 1981 shall apply to a compuslory purchase under this paragraph".

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Textual Amendments

F277 Words in Sch. 4 para. 16(3) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

Countryside Act 1968 (c. 41)

17 (1) In the Countryside Act 1968 paragraph 3 of Schedule 2 shall be amended as follows.

(2) In sub-paragraph (2) for "paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute " section 11 or 12 of the Acquisition of Land Act 1981 ".

(3) In sub-paragraph (3) for "paragraph 3 in the Act of 1946" substitute " section 11 of the said Act of 1981 ".

(4) In sub-paragraph (4)(a) for "the said paragraph 3 in the Act of 1946" substitute " section 11 or 12 of the said Act of 1981 ".

(5) In sub-paragraph (6) for "Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute " Section 19 of the Acquisition of Land Act 1981 ".

Transport Act 1968 (c. 73)

18 (1) Section 10 of the Transport Act 1968 shall be amended as follows.

(2) In subsection (3)—

(a) for "Acquisition of Land (Authorisation Procedure) Act 1946" substitute " Acquisition of Land Act 1981 ".

(b) except as it applies in Scotland, for the words from "apply as if" to the end of the subsection substitute " apply to the compulsory purchase ".

(3) Substitute " Acquisition of Land Act 1981 "

(a) for "said Act of 1946" in subsection (4), and

(b) for "Acquisition of Land (Authorisation Procedure) Act 1946" in subsection (9)(a).

Courts Act 1971 (c. 23)

F278 19 . . . . . .

Textual Amendments

F278 Sch. 4 para. 19 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(aa)

20 . . . . . F279

Textual Amendments

F279 Sch. 4 para. 20 repealed by Civil Aviation Act 1982 (c. 16, SIF 9), s. 109(3), **Sch. 16**

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21 . . . . . F280

Textual Amendments

F280 Sch. 4 para. 21 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

22 . . . . . F281

Textual Amendments

F281 Sch. 4 para. 22 repealed by Industrial Development Act 1982 (c. 52, SIF 64), s. 19, **Sch. 3**

Gas Act 1972 (c. 60)

23 In Schedule 2 to the Gas Act 1972 for paragraph 4 substitute—

"4 The Acquisition of Land Act 1981 shall apply to a compulsory purchase by the Corporation of land or rights in England and Wales, subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 to that Act".

24 . . . . . F282

Textual Amendments

F282 Sch. 4 para. 24 repealed by Iron and Steel Act 1982 (c. 25, SIF 70), s. 38, **Sch. 7**

25 . . . . . F283

Textual Amendments

F283 Sch. 4 para. 25 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

26 For subsection (5) of section 13 of the Local Government (Miscellaneous Provisions) Act 1976 substitute—

"(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."

Development of Rural Wales Act 1976 (c. 75)[F284F284]

Textual Amendments

F284 Sch. 4 para. 27 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2) and 143(2)); S.I. 1998/2244, **art. 4**

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27 . . . . . .

National Health Service Act 1977 (c. 49)

[F285]28 . . . . . .

Textual Amendments

F285 Sch. 4 para. 28 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

29 In Schedule 5 to the Ancient Monuments and Archaeological Areas Act 1979 at the end of the repeals add—

"1981 c. 65.	The Acquisition of Land Act 1981.	Section 20(1)(b). In Schedule 3 paragraph 7(1)(b)."

Local Government, Planning and Land Act 1980 (c. 65)

30 (1) The Local Government, Planning and Land Act 1980 shall be amended as follows.

[F286](2) . . . . . .

[F286](3) . . . . . .

(4) In section 120(1) for "Acquisition of Land Acts" substitute " Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 " and for "local authority" substitute " regional, islands or district council ".

(5) In section 142 after subsection (2) insert—

"(2A) The 1981 Act shall apply (subject to section 14492) below) to the compulsory acquisition of land in pursuance of subsection (1) or (2) above".

(6) In section 142(5) for "1946 Act" substitute " 1981 Act, and Schedule 3 to that Act shall apply to the compulsory purchase of a right by virtue of subsection (4) above ".

(7) In section 143 after subsection (3) insert—

"(3A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land under this section".

(8) In section 144(2) for "1946 Act" substitute " 1981 Act ", and for "142(3) and 143(4)" substitute " 142 and 143 ".

(9) In section 171 for the definition of the "1946 Act" substitute—

""the 1981 Act" means the Acquisition of Land Act 1981".

[F286](10) . . . . . .

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F286(11) . . . . . .

(12) In Schedule 28—

(a) in paragraph 1 for "1946" substitute " 1981 ".

(b) at the end of paragraph 1 add " and in paragraph 2 below as it applies in England and Wales for "Part I of Schedule 1" and "paragraph 6 of Schedule 1" substitute respectively "section 2(2)" and "section 15" ".

Textual Amendments

F286 Sch. 4 para. 30(2)(3)(10)(11) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2) and 143(2)); S.I. 1998/2244, **art. 4**

Highways Act 1980 (c. 66)

31 (1) The Highways Act 1980 shall be amended as follows.

(2) In section 238(2) for "Act of 1946" substitute " Acquisition of Land Act 1981 ".

(3) In section 246(4)(a) for "paragraph 3(1)(a) of Schedule 1 to the Act of 1946" substitute " section 11 of the Acquisition of Land Act 1981 ".

(4) In section 247 for subsection (2) to (4) substitute—

"(2) The Acquisition of Land Act 1981 shall, subject to subsection (5) below, apply to the compulsory acquisition of land under any of the foregoing provisions of this Part of this Act".

(5) In section 247(5) for the words from "section 1(2)" to "Schedule 1 to that Act" substitute " Part III of the Acquisition of Land Act 1981 ".

(6) After section 250(3) insert—

"(3A) Schedule 3 to the Acquisition of Land Act 1981 shall apply to the compulsory purchase of a right by virtue of this section".

(7) In section 250(5) for paragraphs (a) and (b) substitute—

"(a) Part II of Schedule 19 to this Act has effect for the adaptation of Part I of the Act of 1965 to cases of compulsory acquisition of rights".

(8) In section 254(1) (after paragraph (c), for the words from "notwithstanding" to "prevents" substitute " nothing in Part III of, or Schedule 3 to, the Acquisition of Land Act 1981 shall prevent ".

(9) In section 254(6) for "Act of 1946" substitute " Acquisition of Land Act 1981 ".

(10) In subsections (1), (2) and (4) of section 257 for "Schedule 1 to the Act of 1946" substitute " Acquisition of Land Act 1981 ".

(11) In section 258(1) for "Schedule 1 to the Act of 1946" substitute " Part II of, or Schedule 1 to, the Acquisition of Land Act 1981 ".

(12) In section 259(1)—

(a) for "Part I of Schedule 1 to the Act of 1946" substitute " Part II of the Acquisition of Land Act 1981 ",

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(b) for "Part II of the Schedule" substitute " Schedule 1 to that Act ",

(c) for "said Schedule 1" substitute " Acquisition of Land Act 1981 ".

(13) In section 259(2) for the words from "paragraph 6" to "that Schedule" substitute " section 15 of the Acquisition of Land Act 1981 or as the case may be paragraph 6 of Schedule 1 to that Act ".

(14) In section 322(5)(a) for "Schedule 1 to the Act of 1946" substitute " Part II of, or Schedule 1 to, the Acquisition of Land Act 1981 ".

Animal Health Act 1981 (c. 22)

32 At the end of section 55(2) of the Animal Health Act 1981 add " and the Acquisition of Land Act 1981 shall apply to a compulsory purchase under this section by such a local authority ".

New Towns Act 1981 (c. 64)

33 In section 72(2) of the New Towns Act 1981 for "section 6(3) of the Acquisition of Land (Authorisation Procedure) Act 1946" substitute " section 9 of the Acquisition of Land Act 1981 ".

SCHEDULE 5

Section 34.

TRANSITIONAL

References to old law to include new law

1 (1) This paragraph is without prejudice to section 17(2)(a) of the [M39]Interpretation Act 1978 as extended to the interpretation of subordinate legislation and instruments and documents by section 23(2) and (3) of that Act.

(2) Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

Marginal Citations

M39 1978 c. 30.

References to new law to include old law

2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 4 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the circumstances or purposes in relation to which the corresponding provision in the enactments repealed by this Act has or

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had effect, a reference to, or as the case may be to things done or falling to be done under or for the purpose of, that corresponding provision.

Periods of time

3 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

Successor authorities

4 (1) Any reference in this Act (whether express or implied) to a thing done by a Minister, or by a local authority, under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done by a predecessor authority under the corresponding enactment repealed by this Act.

(2) In this paragraph "predecessor authority" means—

(a) where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred,

(b) where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the [M40]London Government Act 1963, the [M41]Local Government Act 1972 and the [M42]Water Act 1973) the authority from whom the function was transferred.

Marginal Citations

M40 1963 c. 33.
M41 1972 c. 70.
M42 1973 c. 37.

Construction of enactments applying the 1946 Act

5 Section 1(1)(a) of this Act includes in particular a compulsory purchase "in relation to" which this Act applies or has effect by virtue of any enactment in which this Act substitutes a reference to this Act for a reference to the [M43]Acquisition of Land (Authorisation Procedure) Act 1946.

Marginal Citations

M43 1946 c. 49.

Local authority and statutory undertakers land excluded from compulsory purchase

6 Section 17(3) and paragraph 4(3) of Schedule 3 above—

(a) shall not apply where the notice of the making or preparation in draft of the compulsory purchase order was first duly published before 6th April 1976,

(b) shall have effect, in relation to the period before 13th November 1980, as if the persons there mentioned included a development corporation as defined in section 3(1) of the New Towns Act 1981 and a joint Board established (in England) under section 2 of the [M44]Community Land Act 1975.

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Marginal Citations

M44 1975 c. 77.

Extinguishment of certain public rights of way

7 The repeal by this Act of section 3 of the [M45]Acquisition of Land (Authorisation Procedure) Act 1946 shall not affect any order under that section if—

(a) it was made before 3rd August 1968, or

(b) a notice relating to the order was published pursuant to subsection (2) of the said section 3 before that date,

and Part VI of this Act shall not apply to the order.

Marginal Citations

M45 1946 c. 49.

SCHEDULE 6 Section 34.

REPEALS

Modifications etc. (not altering text)

C228 The text of s. 34(1)(3) and Schedule 6 (except the para. commencing "The repaeals") is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 49.	Acquisition of Land (Authorisation Procedure) Act 1946.	The whole Act except sections 6(1) and 10 and Schedule 4.
10 & 11 Geo. 6 .c. 41.	Fire Services Act 1947.	In section 3(5) the words from "as if" to the end of the subsection. In section 8(3) the words "The Acquisition of Land (Authorisation Procedure) Act 1946 and" and the words "in the said Act of 1946 and".
10 & 11 Geo. 6. c. 48.	Agriculture Act 1947.	In section 92(1) the words from "and that Act" to the end of the subsection.

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10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	Section 49(8).
		In section 119(1) the definitions of "land" and "local authority".
		In Schedule 8 the amendments of the Acquisition of Land (Authorisation Procedure) Act 1946.
10 & 11 Geo. 6. c. 54.	Electricity Act 1947.	In section 9, in subsection (1) the words from "as if" to the end of the subsection.
11 & 12 Geo. 6. c. 22.	Water Act 1948.	In the Schedule, in paragraph 8(1) the words from "the Act of 1946" to "and the expression".
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	In section 19(2A) the words from "as if" to the end of the subsection.
		In section 23(3) the words from "as if" to the end of the proviso.
12, 13 & 14 Geo. 6. c. 74.	Coast Protection Act 1949.	In section 14(1) the words "as if this Act had been in force immediately before the commencement of that Act".
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	In section 103 subsections (2) and (4) and in subsection (6) the words from "and the provisions" to the end of the subsection.
14 & 15 Geo. 6. c. 60.	Minerals Workings Act 1951.	In section 17(3) the words from "as if" to the end of the subsection.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 52.	Prison Act 1952.	In section 36(2) the words from "as if" to the end of the subsection.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 54.	Town Development Act 1952.	In section 6(4) the words from "as if" to the end of the subsection.
1953 c. 49.	Historic Buildings and Ancient Monuments Act 1953.	In section 20 paragraph (a).

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2 & 3 Eliz. 2. c. 32.	Atomic Energy Act 1954.	In section 5(1) the words from “as if” to “commencement thereof”.
4 & 5 Eliz. 2. c. 16.	Food and Drugs Act 1955.	In section 130(3) the words from “as if” to the end of the subsection.
4 & 5 Eliz. 2. c. 59.	Underground Works (London) Act 1956.	In section 6(6) the words from “and that Act” to the end of the subsection.
5 & 6 Eliz. 2. c. 56.	Housing Act 1957.	In Schedule 1, in paragraph 1(1), the words “as if this Act had been in force immediately before the commencement of that Act”. In Schedule 7, in paragraph 1(1), the words “as if this Act had been in force immediately before the commencement of that Act”.
6 & 7 Eliz. 2. c. 69.	Opencast Coal Act 1958.	Section 4(5). Section 16(5). In section 47(2) the words from “(including” to “this Act)”. In section 51(1) the definition of “the Acquisition of Land Act”. In Schedule 2 Part I. In Schedule 10 paragraph 7.
8 & 9 Eliz. 2. c. 62.	Caravan Sites and Control of Development Act 1960.	In section 24(6) the words from “as if” to the end of the subsection.
9 & 10 Eliz. 2. c. 33.	Land Compensation Act 1961.	In Schedule 4 paragraphs 6 and 7.
10 & 11 Eliz. 2. c. 46.	Transport Act 1962.	In section 15, in subsection (1) the words from “as if” to “that Act”.
1963 c. 33.	London Government Act 1963.	In Schedule 17 paragraph 8.
1963 c. 38.	Water Resources Act 1963.	In section 65(3) the words from “and accordingly” to the end of the subsection. Section 71(5). In Schedule 8 paragraph 17.

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1964 c. 48.	Police Act 1964.	In section 9(3) the words "and the Acquisition of Land (Authorisation Procedure) Act 1946".
1965 c. 36.	Gas Act 1965.	In section 12(1) the words from "and Part I" to the end of the subsection. In section 13(2) the words from "and Part I" to the end of the subsection. In section 13(3) the words "and Part I of Schedule 4 to this Act shall apply in relation to the compulsory purchase". In Schedule 4 paragraphs 1 and 2.
1965 c. 56.	Compulsory Purchase Act 1965.	In section 1, in subsection (2) and (3) the words "under the Act of 1946". In Schedule 7 the amendment of the Agriculture Act 1947.
1967 c. 22.	Agriculture Act 1967.	In section 51(7) the words from "as if" to "commencement of that Act". In Schedule 5, in paragraph 7(1) the words from "Acquisition of Land" where they first occur to "case may be", paragraph 7(2) and in paragraph 7(3) the words from the beginning to "public local inquiries)".
1967 c. 76.	Road Traffic Regulation Act 1967.	In section 30(1) the words from "as if" to "commencement of that Act".
1968 c. 41.	Countryside Act 1968.	In Part I of Schedule 3 the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946 (that is, all between the entries relating to the Water Act 1945 and the Highways Act 1959).
1968 c. 72.	Town and Country Planning Act 1968.	Section 31.

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		Section 59.
1969 c. 33.	Housing Act 1969.	In section 32(2) the words from “as if” to the end of the subsection.
1969 c. 48.	Post Office Act 1969.	In section 55(1) the words from “as if” to the end of the subsection.
		In Schedule 4, in paragraph 93 sub-paragraphs (1)(iv) and (2)(iv).
1971 c. 75.	Civil Aviation Act 1971.	In Schedule 5 paragraph 5(b).
1971 c. 78.	Town and Country Planning Act 1971.	In section 112(4) the words from “and accordingly” to the end of the subsection.
		In section 113(3) the words from “as it applies” to the end of the subsection.
		In section 114(5) the words from “and accordingly” to the end of the subsection.
		In section 218(2) the words from “and accordingly” to the end of the subsection.
		Section 229.
		In Schedule 23 the amendment of the Town and Country Planning Act 1968.
1972 c. 60.	Gas Act 1972.	In Schedule 2, in paragraph 5 the words “The Act of 1946 and”, and paragraphs 6 to 11.
1972 c. 70.	Local Government Act 1972.	In section 121(4) the words from “as if” to the end of the subsection.
		In section 125(4) the words from “as if that subsection” to “commencement of that Act”.
1973 c. 26.	Land Compensation Act 1973.	Section 64.
1974 c. 3.	Slaughterhouses Act 1974.	In section 30(2) the words from “as if” to the end of the subsection.
1974 c. 44.	Housing Act 1974.	In section 3(4) the words from “as if” (where they

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		first occur) to the end of the subsection.
		In section 43(2) the words from “as if” to the end of the subsection.
1975 c. 56.	Coal Industry Act 1975.	In Schedule 3 paragraph 10.
1975 c. 64.	Iron and Steel Act 1975.	In section 9(1) the words from “as if” to the end of the subsection.
1975 c. 70.	Welsh Development Agency Act 1975.	In section 22(5) the words from “as if” to the end of the subsection.
1975 c. 78.	Airports Authority Act 1975.	In section 17(1) the words from “as if” to the end of the subsection.
		In section 19(1) the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	In section 13, in subsection (2) the words from the beginning to “1946 and”, subsection (3)(a) and in subsection (3)(b) the words from “(which relates” to “Act of 1946)”.
		In Schedule 1 Part I.
1976 c. 70.	Land Drainage Act 1976.	In section 37(2) the words from “as if” to the end of the subsection.
1976 c. 75.	Development of Rural Wales Act 1976.	In section 6, in subsection (2) the words (following paragraph (b)) from “and for the purpose” to the end of the subsection, in subsection (6) the words from the beginning to “1946 and”, subsection (7)(a) and in subsection (7)(b) the words from “(which relates” to “Act of 1946)”.
		In Schedule 4 Part I.
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8 paragraph 3.
1977 c. 42.	Rent Act 1977.	In Schedule 23 paragraph 11.
1978 c. 3.	Refuse Disposal (Amenity) Act 1978.	In section 7 the words from “as if” to the end of the section.

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1979 c. 46.	Ancient Monuments and Archaeological Areas Act 1979.	In section 10(2) the words from “as it” to the end of the subsection. In section 16(9) the words from “as it” to the end of the subsection.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In section 104(3) the words from “as if” to the end of the subsection. In section 120(1) in paragraph (a) the words from “6th April 1976” to “Scotland”, and in paragraph (b) the words from “the Peak” to “Planning Board”. In section 120(2) the words “the Act of 1946 or, as the case may be” and the words “the National Trust or”. In section 120(3), except for the definition of “statutory undertakers”, and in paragraph (b) of that definition the words “the Town and Country Planning Act 1971 or”. In section 120(5) the words “in section 2 of the New Towns Act 1965 or”. In section 142(3) the words “The 1946 Act and” and in paragraph (a) the words “the 1946 Act or (as the case may be)”. In section 143(4) the words “The 1946 Act and” and the words “the 1946 Act or (as the case may be)”. In Schedule 17, in paragraph 5 the entry (in both columns) for section 41 of the 1975 Act. In Schedule 20 paragraph 3. In Schedule 21 paragraph 14. In Schedule 23 paragraph 1.

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		In Schedule 28 paragraph 3, in paragraph 21(1) the words "The 1946 Act and", paragraph 21(2)(a) and paragraph 22.
1980 c. 66.	Highways Act 1980.	In section 250(4) the words "1946 and".
		In section 329(1) the definition of the "the Act of 1946".
		Section 340(2)(c).
		In Schedule 19 Part I.
1981 c. 22.	Animal Health Act 1981.	In section 55(3) the words "the Acquisition of Land (Authorisation Procedure) Act 1946 and".
1981 c. 38.	British Telecommunications Act 1981.	In Schedule 3 paragraphs 10(1)(a) and 11(1)(a).

The repeals by this Act in section 13 of the Local Government (Miscellaneous Provisions) Act 1976 shall not affect section 82(1) of that Act (power to make consequential repeals or amendments).

PART II

SPENT PROVISIONS

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	Children and Young Persons Act 1933.	Section 96(5).
9 & 10 Geo. 6. c. 49.	Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4 the amendment of the Children and Young Persons Act 1933.
10 & 11 Geo. 6. c. 41.	Fire Services Act 1947.	In section 3(5) the proviso.
10 & 11 Geo. 6. c. 54.	Electricity Act 1947.	In subsections (1) and (2) of section 9 the words "(except section two thereof)".
11 & 12 Geo. 6. c. 29.	National Assistance Act 1948.	Section 58.
12, 13 & 14 Geo. 6. c. 26.	Public Works (Festival of Britain) Act 1949.	Section 57(a).
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	In section 28(6) the words "except section 2 thereof".

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PART III

STATUTORY INSTRUMENTS

Chapter	Short Title	Extent of Repeal
S.I. 1965/145.	Transfer of Functions (Shipping and Construction of Ships) Order 1965.	In Schedule 1 the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
S.I. 1965/319.	Secretary of State for Wales and Minister of Land and Natural Resources Order 1965.	In Part I of Schedule 1 the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
S.I. 1967/486.	Transfer of Functions (Miscellaneous) Order 1967.	In Schedule 2 the amendment of the Acquisition of Land (Authorisation Procedure) Act 1946.
S.I. 1969/388.	Transfer of Functions (Wales) Order 1969.	Article 4(1)(c).
S.I. 1970/1681.	Secretary of State for the Environment Order 1970.	In Schedule 2 paragraph 4.
S.I. 1976/1775.	Secretary of State for Transport Order 1976.	In Schedule 2 paragraph 4.

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Changes and effects yet to be applied to :

- Act applied (with modifications) by 2025 c. 34 Sch. 4 para. 1
- s. 6(5)-(11) inserted by 2025 c. 34 s. 105(1)
- s. 14A(2A) omitted by 2025 c. 34 s. 113(2)
- s. 14A(3)(c) words substituted by 2025 c. 34 s. 107(2)
- s. 14A(4A) inserted by 2025 c. 34 s. 107(3)
- s. 14A(5)(a) words substituted by 2025 c. 34 s. 107(4)(a)
- s. 14A(5)(c) and word inserted by 2025 c. 34 s. 107(4)(b)
- s. 14A(6A) inserted by 2025 c. 34 s. 107(5)
- s. 26(1A)-(3) substituted for s. 26(1)(2) by 2023 c. 55 Sch. 18 para. 3(3)
- Sch. 2 Pt. 3 incorporated (with modifications) by S.I. 2015/680 art. 19
- Sch. 3 applied (with modifications) by 2025 c. 34 Sch. 4 para. 2

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

- Act applied (with modifications) by 2025 c. 34 Sch. 4 para. 1

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(5)-(11) inserted by 2025 c. 34 s. 105(1)
- s. 14A(4A) inserted by 2025 c. 34 s. 107(3)
- s. 14A(5)(c) and word inserted by 2025 c. 34 s. 107(4)(b)
- s. 14A(6A) inserted by 2025 c. 34 s. 107(5)
- s. 26(1A)-(3) substituted for s. 26(1)(2) by 2023 c. 55 Sch. 18 para. 3(3)