STATUTORY INSTRUMENTS

1969 No. 425

ACQUISITION OF LAND

The Compulsory Purchase of Land (General Vesting Declaration) Regulations 1969

Made - - - -	20*th March* 1969
Laid before Parliament	28*th March* 1969
Coming into Operation	1*st April* 1969

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 217 of the Town and Country Planning Act 1962(a) and sections 30 and 104 of, and paragraphs 1, 2 and 4 of Schedule 3 to, the Town and Country Planning Act 1968(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Compulsory Purchase of Land (General Vesting Declaration) Regulations 1969 and shall come into operation on 1st April 1969.

Interpretation

2.—(1) In these regulations:—

"the Act" means the Town and Country Planning Act 1968;

"acquiring authority" has the meaning assigned to it by section 30(2) of the Act;

"general vesting declaration" has the meaning assigned to it by paragraph 1 of Schedule 3 to the Act.

(2) The Interpretation Act 1889(c) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

General vesting declarations

3.—(1) For the purposes of paragraph 1 of Schedule 3 to the Act (by virtue of which an acquiring authority may execute a general vesting declaration in respect of land which they are authorised to acquire by a compulsory purchase order), a general vesting declaration shall be in the form specified in Part I of Schedule 1 to these regulations or in a form substantially to the like effect.

(a) 1962 c. 38.
(b) 1968 c. 72.
(c) 1889 c. 63.

(2) For the purposes of paragraph 4 of Schedule 3 to the Act, a notice specifying the land specified in a general vesting declaration and stating the effect of the declaration (which notice is required by that paragraph to be served by an acquiring authority on the persons referred to in sub-paragraphs (*a*) and (*b*) thereof as soon as may be after the authority have executed a general vesting declaration) shall be in the form specified in Part II of Schedule 1 to these regulations or in a form substantially to the like effect.

4. For the purposes of sub-paragraph (1) of paragraph 2 of Schedule 3 to the Act (which requires an acquiring authority, before making a general vesting declaration, to publish or serve a statement of the effect of paragraphs 1 to 8 of that Schedule and a notification inviting interested persons to give information to them with respect to their interest in the relevant land) the statement set out in Part I of Schedule 2 to these regulations, or a statement substantially to the like effect, shall be the statement prescribed under sub-paragraph (1)(*a*), and the form set out in Part II of the said Schedule 2, or a form substantially to the like effect, shall be the form prescribed under sub-paragraph (1)(*b*), of the said paragraph 2.

(Regulation 3)

SCHEDULE 1

PART I

FORM OF GENERAL VESTING DECLARATION

THIS GENERAL VESTING DECLARATION is made the day of 19 by (*a*) (hereinafter called "the Authority").

WHEREAS:

(1) On 19 an order entitled "The Compulsory Purchase Order 19 "(hereinafter called "the order") was [made] [confirmed] by (*b*) under the powers conferred on him by section of the (*c*) authorising the Authority to acquire certain land specified in the Schedule hereto.

(2) Notice of the [making] [confirmation] of the order was first published in accordance with [paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946(*d*)] on 19 .

(3) (*e*) [The said notice included a statement and a notification complying with paragraph 2(1) of Schedule 3 to the Town and Country Planning Act 1968.]

or

[A subsequent notice given on 19 before the service of any notice to treat in respect of any of the land described in the Schedule hereto included a statement and a notification complying with paragraph 2(1) of Schedule 3 to the Town and Country Planning Act 1968.]

(4) (*e*) [The said [subsequent] notice did not specify any period longer than two months beginning with the date of the first publication thereof as the period before the end of which this general vesting declaration could not be executed.]

or

[The said [subsequent] notice specified the period of months beginning with the date of the first publication thereof as the period before the end of which this general vesting declaration could not be executed.]

or

[The consent in writing of every occupier of any of the land described in the Schedule hereto was obtained for the execution on the date above mentioned of this general vesting declaration.]

NOW THIS DEED WITNESSETH that in exercise of the power conferred on them by section 30 of the Town and Country Planning Act 1968 (hereinafter called "the Act") the Authority hereby declare as follows:

1. The land described in the Schedule hereto (being [the whole] [part] of the land authorised to be acquired by the order) and more particularly delineated on the plan annexed hereto together with the right to enter upon and take possession of the same shall vest in the Authority as from the end of the period of [*insert period of* 28 *days or longer*] from the date on which the service of notices required by paragraph 4 of Schedule 3 to the Act is completed.

2. For the purposes of paragraph 16(1) of Schedule 3 to the Act (which defines "long tenancy about to expire" in relation to a general vesting declaration as meaning a tenancy granted for an interest greater than a minor tenancy as therein defined but having at the date of the declaration a period still to run which is not more than the specified period, that is to say, such period, longer than one year, as may be specified in the declaration in relation to the land in which the tenancy subsists) the Authority hereby specify that [in relation to the land comprised in this declaration that period shall be years and months] [in relation to each area of land specified in column 1 of Part II of the Schedule hereto that period shall be the period stated with respect to that area in column 2 thereof].

IN WITNESS, etc.

THE SCHEDULE above referred to

Notes

(*a*) Insert the name of the acquiring authority.

(*b*) Insert the name of the confirming authority or, where the order was made by a Minister, that Minister.

(*c*) Insert the section and Act authorising compulsory purchase.

(*d*) Where the notice was published under a procedure prescribed by some enactment other than the Acquisition of Land (Authorisation Procedure) Act 1946, insert the relevant provision of that enactment in place of these words.

(*e*) Delete any alternative which does not apply.

PART II

FORM OF NOTICE STATING EFFECT OF GENERAL VESTING DECLARATION

TOWN AND COUNTRY PLANNING ACT 1968

The Compulsory Purchase Order 19

To:

of:

NOTICE IS HEREBY GIVEN that the (hereinafter called "the Authority") on 19 made a general vesting declaration under section 30 of the Town and Country Planning Act 1968 (hereinafter called "the Act") vesting the land described in the Schedule to this notice (hereinafter called "the said land") in themselves as from the end of the period of days from the date on which the service of notices required by paragraph 4 of Schedule 3 to the Act is completed.

(Paragraph 4 of Schedule 3 to the Act requires notice to be served on every occupier of any of the land specified in the declaration (other than land in which there subsists a "minor tenancy" or a "long tenancy which is about to expire"—these expressions are defined in Appendix A to this notice) and on every other person who has given information to the Authority with respect to any of that land in pursuance of the invitation published and served under paragraph 2(1) of Schedule 3 to the Act).

The Authority will in due course specify in a certificate the date on which the service of the said notices is completed.

The effect of the general vesting declaration is as follows:—

On the date of vesting (as determined in accordance with the first paragraph of this notice) the said land, together with the right to enter upon and take possession of it, will vest in the Authority as if the Authority had on that date exercised their powers to execute a deed poll under Part I of the Compulsory Purchase Act 1965.

Also, on the date of vesting the Acts providing for compensation will apply as if, on the date on which the general vesting declaration was made (namely 19) a notice to treat had been served on every person on whom the Authority could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before that date and any person entitled to a minor tenancy or a long term tenancy which is about to expire).

If the land includes any land in which there is a minor tenancy or a long tenancy which is about to expire, the right of entry will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the Authority have served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of a specified period (not being less than fourteen days) from the date of service of the notice they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

Schedule 3 to the Land Commission Act 1967 as applied by the Act of 1968 contains supplementary provisions as to general vesting declarations executed under the Act. These provisions as so applied are set out in Appendix B to this notice.

A copy of the general vesting declaration to which this notice refers and of the plan annexed to the declaration can be inspected at
and may be seen there at all reasonable hours.

This notice is issued on behalf of the by

Signed

authorised by the
to act in that behalf.

THE SCHEDULE above referred to

[*Description of the land vested in the Authority by the general vesting declaration*]

APPENDIX A

[*Here set out paragraph* 16 *of Schedule* 3 *to the Town and Country Planning Act* 1968]

APPENDIX B

[*Here set out Schedule* 3 *to the Land Commission Act* 1967 *as applied by paragraph* 9 *of Schedule* 3 *to the Town and Country Planning Act* 1968]

SCHEDULE 2 (Regulation 4)

PART I

Statement of the effect of paragraphs 1 to 8 of Schedule 3 to the Town and Country Planning Act 1968 for the purposes of paragraph 2(1)(a) of that Schedule.

Power to make a general vesting declaration

1. The [insert the name of the acquiring authority] (hereinafter called "the Authority") may acquire any of the land to which this notice relates (hereinafter called "the relevant land") by making a general vesting declaration under section 30 of the Town and Country Planning Act 1968, which has the effect, subject to paragraph 4 below, of vesting the land in the Authority at the end of the period mentioned in paragraph 2. Generally a declaration may not be made before the end of the period of two months from the order's becoming operative; but the order may prescribe a longer period. In either case, the Authority may make a declaration before the end of the period with the consent of every occupier of the land affected.

Notice, etc., preliminary to general vesting declaration

2. If the Authority make a general vesting declaration, they must serve notice of it on every occupier of any of the land affected (except land where there is one of the short tenancies described in paragraph 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in this or any similar notice. When the service of notices of the general vesting declaration is completed, an intermediate period before vesting begins to run. This period, which must not be less than 28 days, will be specified in the declaration. At the end of the period the land described in the declaration will, subject to paragraph 4, vest in the Authority together with the right to enter on the land and take possession of it. At the same time every person on whom the Authority could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the short tenancies described in paragraph 3) will be entitled to compensation for the acquisition of his interest in the land and to interest on the compensation from the date of vesting.

Tenancies with only a short time to run

3. Where a person's interest arises under a tenancy which has only a short time to run, the position stated above is subject to modification. For the modifications to apply the tenancy must be either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a tenancy for a lesser interest, or a "long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having at the date of the general vesting declaration a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has to run where any option to renew or to terminate it is available to either party, it is assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or extend his interest.

Notice of entry

4. The Authority may not exercise the right of entry referred to in paragraph 2 in respect of land subject to one of the short tenancies described in paragraph 3 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than 14 days) specified in the notice. The right of entry will be exercisable at the end of that period. The effect of the general vesting declaration will be subject to the tenancy until it comes to an end.

Severance

5. If the effect of the general vesting declaration will be to sever a house, building or factory, or a park or garden belonging to a house, by vesting part of it in the Authority and leaving part of it with the person who is entitled to, and is in a position to sell, the whole, that person may serve on the Authority a notice of objection to severance. A notice of objection to severance, in order to be effective, must be served by that person within 28 days of the service on him by the Authority of the notice of the general vesting declaration referred to in paragraph 2 (save in the exceptional cases referred to in paragraph 13 of Schedule 3 to the Land Commission Act 1967, as applied by paragraph 9 of Schedule 3 to the Town and Country Planning Act 1968). This (save in those exceptional cases) stops the objector's interest from vesting in the Authority until his rights in the matter have been settled. The Authority have (save in those exceptional cases) three courses open to them:

(1) they may serve the objector with a notice which in effect excludes the objector's land from the scope of the declaration (and, if he receives no notice from the Authority under one of the other two alternatives within three months after he has served them with his notice of objection to severance, they will be treated as having done this); or

(2) they may serve him with notice that the declaration shall have effect in relation to the whole of the land (in which case the declaration will take effect in accordance with the notice); or

(3) they may refer the objection to the Lands Tribunal and give him notice that they have done so.

Powers of the Lands Tribunal in severance cases

6. If the Lands Tribunal determine that the part of the objector's property comprised in the declaration can be taken without material detriment (where the objection concerns the taking of part of a house, building or factory) or (where the objection concerns the taking of part of a park or garden) can be taken without seriously affecting the amenity or convenience of the house, the notice of objection ceases to have effect, so that the land affected, i.e. the part of the property comprised in the declaration, will vest in the Authority. If the Lands Tribunal do not decide in that way, they must decide what part (if any) of the objector's land the Authority ought to be required to take in addition to the part comprised in the declaration. The declaration will then take effect as if both these parts had been comprised in the declaration.

Apportionment of rentcharge

7. If any of the relevant land forms part of property subject to a rentcharge, and the rentcharge is apportioned between the relevant land and the remainder of the property by agreement or by award of the Lands Tribunal under section 18 of the Compulsory Purchase Act 1965, the part apportioned to the relevant land will be treated as extinguished on the vesting of that land in the Authority, and after that the owner of the land will only be liable to pay the part apportioned to the remainder of the property. Compensation for the extinguishment will be payable to the person entitled to the rentcharge, and may be settled by agreement between him and the Authority or determined by the Lands Tribunal. Alternatively the owner of the land and the person entitled to the rentcharge may agree that the part of the property which is comprised in the relevant land shall be released from the rentcharge and that the whole rentcharge shall be charged on the remainder of the property. This will operate to release the relevant land from the rentcharge and to charge the whole rentcharge on the remainder of the property.

Apportionment of rent

8. Where any of the relevant land forms part of property subject to a tenancy, the rent will be apportioned between the relevant land and the remainder of the property on the vesting in the Authority of the tenancy of the relevant land. After that, the tenant will only be liable for that part of the rent which is apportioned to the remainder of the property. Any compensation to which he may be entitled for severance of his property will be assessed with reference to the severance caused by that vesting.

PART II

Form for the giving of information to an acquiring authority in response to an invitation required to be notified under paragraph 2(1)(b) of Schedule 3 to the Town and Country Planning Act 1968

TOWN AND COUNTRY PLANNING ACT 1968

The Compulsory Purchase Order 19

To: (*a*)

[I] [We]* being [a person] [persons]* who, if a general vesting declaration were made under paragraph 1 of Schedule 3 to the Town and Country Planning Act 1968 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of]* that land, hereby give you the following information, pursuant to the provisions of paragraph 2(1)(*b*) of the said Schedule 3:—

1. Name and address of claimant(s) ..... (*b*)
.....

2. Land in which an interest is held by claimant(s) ..... (*c*)
.....
.....
.....

3. Nature of interest (including particulars of any mortgage or charge thereon) ..... (*d*)
.....
.....
.....

Signed.....

[On behalf of.....]*

Date .....

Notes

(*a*) Insert name of acquiring authority.

(*b*) In the case of a joint interest, insert the names and addresses of all the claimants.

(*c*) The land should be described as concisely as possible.

(*d*) If the interest is leasehold, the date of commencement and length of term should be given.

*Delete where inappropriate.

Given under the official seal of the Minister of Housing and Local Government on 20th March 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the form of general vesting declaration which may be made by an acquiring authority under the Town and Country Planning Act 1968 and the form of other documents required to be published or served before or after the making of such a declaration.

Regulation 3, with Schedule 1, prescribes the form of general vesting declaration, and the form of notice stating the effect thereof, for the purposes of paragraphs 1 and 4 of Schedule 3 to the Act, under which an acquiring authority may by means of such a declaration vest in themselves land which they are authorised to acquire by a compulsory purchase order.

Paragraph 2(1)(*a*) of Schedule 3 to the Act requires an acquiring authority, before they make a general vesting declaration, to include in the notice which they give of the making or confirmation of the relevant compulsory purchase order (or in a notice given subsequently) a statement of the effect of paragraphs 1 to 8 of that Schedule. Such a statement is set out in Part I of Schedule 2 to these regulations.

Paragraph 2(1)(*b*) of Schedule 3 to the Act requires the same notice also to contain an invitation to any person who will be entitled to compensation if a general vesting declaration is made, to inform the acquiring authority of his name and address and his interest in any land affected by the declaration: the giving of this information then entitles him under paragraph 4 of the Schedule to receive notice of the making of any general vesting declaration so that he may make a claim for compensation. Part II of Schedule 2 to these regulations sets out the form in which the information is to be given.