STATUTORY INSTRUMENTS

1976 No. 300

ACQUISITION OF LAND

The Compulsory Purchase of Land Regulations 1976

Made - - - -	*26th February* 1976
Laid before Parliament	*11th March* 1976
Coming into Operation	*6th April* 1976

The Secretary of State for the Environment, in exercise of powers conferred by paragraphs 2, 3, 6, 13 and 18 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946**(a)**, sections 30 and 104 of, and paragraphs 1, 2 and 4 of Schedule 3 to, the Town and Country Planning Act 1968**(b)**, and section 125(2) of the Local Government Act 1972**(c)**, and now vested in him**(d)**, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Application, commencement and citation

1. These regulations apply to England and Wales, come into operation on 6th April 1976 and may be cited as the Compulsory Purchase of Land Regulations 1976.

Interpretation

2.—(1) In these regulations—

"the Acquisition of Land Act" means the Acquisition of Land (Authorisation Procedure) Act 1946; and

"the Planning Act" means the Town and Country Planning Act 1971**(e)**.

(2) In these regulations, any reference to a numbered form is a reference to the form bearing that number in the Schedule hereto, or a form substantially to the like effect.

(3) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

(4) The Interpretation Act 1889**(f)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Prescribed forms in connection with compulsory purchase

3. The prescribed forms for the undermentioned paragraphs of Schedule 1 to the Acquisition of Land Act (which sets out the procedure for authorising compulsory purchases) shall be as follows:—

(*a*) for the purposes of paragraph 2, the form of compulsory purchase order shall be form 1, or if the order provides for the vesting of land given in exchange pursuant to paragraph 11, form 2;

(a) 1946 c. 49. (b) 1968 c. 72. (c) 1972 c. 70.
(d) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).
(e) 1971 c. 78. (f) 1889 c. 63.

(*b*) for the purposes of paragraph 3(1)(*a*), the form of newspaper notice concerning a compulsory purchase order shall be form 3;

(*c*) subject to the provisions of regulation 4 of these regulations, for the purposes of paragraph 3(1)(*b*) and (*c*), the form of notice to owners, lessees and occupiers of land comprised in a compulsory purchase order shall be form 4, or if the order is made on behalf of a parish (or in Wales community) council, form 5, or if the order is made under section 15 of the Community Land Act 1975**(a)** and contains a certificate under paragraph 1(2) of Schedule 4 to that Act, form 6;

(*d*) for the purposes of paragraph 6, the form of notice of confirmation of a compulsory purchase order shall be form 7; but in relation to an order made by a Minister, that form shall have effect with the substitution for references to the confirmation of an order submitted of references to the making of the order;

(*e*) for the purposes of paragraph 13, the form of newspaper notice stating that a certificate has been given under Part III of Schedule 1 to the Acquisition of Land Act shall be form 8.

Additional provisions with respect to listed buildings

4. Where a compulsory purchase order is made under section 114 of the Planning Act (which empowers the compulsory acquisition of listed buildings in need of repair), there shall be included in form 4, at the end of paragraph 2, the additional paragraphs set out after the notes on that form, as follows:—

(*a*) the additional paragraph numbered 3 shall be included in every case;

(*b*) the additional paragraph numbered 4 shall be included in any case where the notice is required by section 117(3) of the Planning Act (which provides for minimum compensation in the case of a building deliberately left derelict) to include a statement that the authority or Minister has included a direction for minimum compensation;

(*c*) the additional paragraph numbered 5 shall be included in every case;

and the remaining paragraphs shall be re-numbered as necessary.

Prescribed forms in connection with general vesting declaration

5. The prescribed forms for the undermentioned paragraphs of Schedule 3 to the Town and Country Planning Act 1968 (which sets out the procedure for executing general vesting declarations for land compulsory acquired) shall be as follows:—

(*a*) for the purposes of paragraph 1, the form of general vesting declaration shall be form 9;

(*b*) for the purposes of paragraph 2(1), the form of statement of the effect of paragraphs 1 to 8 shall be Part I of form 10 and the form for the giving of information to the authority shall be Part II of form 10;

(*c*) for the purposes of paragraph 4, the form of notice specifying the land and stating the effect of a general vesting declaration shall be form 11.

(a) 1975 c. 77.

Prescribed form for the purposes of section 125(2) *of the Local Government Act* 1972.

6. The prescribed form for the purposes of section 125(2) of the Local Government Act 1972 of notice of a proposed inquiry into a proposal to acquire land compulsorily on behalf of a parish or community council shall be form 12.

Manner of publication of notice under section 125(2) *of the Local Government Act* 1972

7. The notice under section 125(2) of the Local Government Act 1972 of a proposed inquiry by a district council in relation to the compulsory acquisition of land on behalf of a parish or community council under sub-section (1) of that section, to be published in the parish or community, shall be published:—

(*a*) by affixation in a conspicuous place on or near the land and in one or more places where public notices are usually posted in the locality; and

(*b*) by publication in one or more local newspapers circulating in the locality in which the land is situated.

Revocations

8. The Compulsory Purchase of Land Regulations 1972**(a)** and the Compulsory Purchase of Land Regulations 1974**(b)** are hereby revoked; but this revocation shall not affect the validity of any order, notice, advertisement, declaration or other document made, executed, published or issued before the commencement of these regulations in a form or in a manner prescribed by any of the revoked regulations.

SCHEDULE

Contents

Form 1 Compulsory purchase order.

Form 2 Compulsory purchase order providing for the vesting of exchange land.

Form 3 Newspaper notice concerning a compulsory purchase order.

Form 4 Notice to owners, lessees and occupiers of land comprised in a compulsory purchase order.

Form 5 Notice to owners, lessees and occupiers of land comprised in a compulsory purchase order on behalf of a parish or community council.

Form 6 Notice to owners, lessees and occupiers, and in Wales local authorities, of land comprised in a compulsory purchase order made under section 15 of the Community Land Act 1975 and containing a certificate under paragraph 1(2) of Schedule 4 to that Act.

Form 7 Notice of confirmation of a compulsory purchase order.

Form 8 Newspaper notice of the giving of a certificate under Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946.

Form 9 General vesting declaration.

Form 10 Statement concerning general vesting declaration.

Form 11 Notice stating effect of general vesting declaration.

Form 12 Notice of proposed inquiry for purposes of section 125(2) of the Local Government Act 1972.

(a) S.I. 1972/1313 (1972 II, p. 3979). (b) S.I. 1974/423 (1974 I, p. 1371).

FORM 1 *Regulation* 3(*a*)

COMPULSORY PURCHASE ORDER

The Act (*a*)
and the Acquisition of Land (Authorisation Procedure) Act 1946

[The Act(s)]

The hereby make the following order:—

1. Subject to the provisions of this order, the said are, under section of the Act , hereby authorised to purchase compulsorily [on behalf of the parish council of] for the purpose of (*b*) the land which is described in the schedule hereto and is delineated and shown (*c*) on the map prepared in duplicate, sealed with the common seal of the said and marked "Map referred to in the Compulsory Purchase Order 19 ". One duplicate of the map is deposited in the offices of the said and the other is deposited in the offices of the (*d*).

[2. (*e*) Section 27 of the Compulsory Purchase Act 1965 shall not apply in relation to the purchase of land authorised by this order.]

[3. (*f*) In relation to the foregoing purchase section 77 of the Railways Clauses Consolidation Act 1845 [and sections 78 to 85 of that Act excluding any amendment thereof by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that (*g*)].

[4. (*j*) It is hereby certified that there are no material interests comprised in this order other than outstanding material interests in development land. "Material interest", "outstanding material interest" and "development land" have the same meanings as in the Community Land Act 1975].

5. This order may be cited as the Compulsory Purchase Order 19 .

Schedule

Number on map	Extent, description and situation of the land (*k*)	Owners or reputed owners	Lessees or reputed lessees	Occupiers (other than tenants for a month or less)
(1)	(2)	(3)	(4)	(5)
(*l*)				

[(*m*) The order includes land falling within special categories to which Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies, namely—

Number on map *Description*]

Date (*n*)

For notes see after Form 2.

Regulation 3(*a*)

FORM 2

COMPULSORY PURCHASE ORDER

(Providing for the vesting of exchange land)

The Act (*a*)

and the Acquisition of Land (Authorisation Procedure) Act 1946

[The Act(s)]

The hereby make the following order:—

1. Subject to the provisions of this order, the said are, under section of the Act , hereby authorised to purchase compulsorily [on behalf of the parish council of] for the purpose of (*b*) the land which is described in schedule 1 hereto and is delineated and shown (*c*) on the map prepared in duplicate, sealed with the common seal of the said and marked "Map referred to in the Compulsory Purchase Order 19 ". One duplicate of the map is deposited in the offices of the said and the other is deposited in the offices of the (*d*).

[2. (*e*) Section 27 of the Compulsory Purchase Act 1965 shall not apply in relation to the purchase of land authorised by this order.]

[3. (*f*) In relation to the foregoing purchase section 77 of the Railways Clauses Consolidation Act 1845 [and sections 78 to 85 of that Act excluding any amendment thereof by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised, subject to the modifications that (*g*)].

4.—(1) In this article "the order land" means (*h*) [the land referred to in article 1 hereof] [the land described as in schedule 1 hereto] and "the exchange land" means the land which is described in schedule 2 hereto and is delineated and shown (*c*) on the said map.

(2) As from the date on which this order becomes operative or the date on which the order land, or any of it, is vested in the said (whichever is the later), the exchange land shall vest in the persons in whom the order land was vested immediately before that date, subject to the like rights, trusts and incidents as attached thereto; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.

[5. (*j*) It is hereby certified that there are no material interests comprised in this order other than outstanding material interests in development land. "Material interest", "outstanding material interest" and "development land" have the same meanings as in the Community Land Act 1975.]

6. This order may be cited as the Compulsory Purchase Order 19 .

Schedule 1

Land to be purchased

Number on map	Extent, description and situation of the land (*k*)	Owners or reputed owners	Lessees or reputed lessees	Occupiers (other than tenants for a month or less)
(1)	(2)	(3)	(4)	(5)

(*l*)

[(*m*) The order includes land falling within special categories to which Part III of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies, namely—

Number on map	*Description*]

Schedule 2

Exchange land

Date (*n*)

NOTES TO FORMS 1 AND 2

(*a*) Insert the title of the Act authorising compulsory purchase. If the purpose of acquisition as stated in article 1 of the order is contained in some other Act, the title of that Act (or a collective title) should be added as a sub-heading.

(*b*) Describe the purpose in precise terms. Where practicable the words of the relevant Act may be used, but where those words are in general terms covering a range of purposes, the particular purpose for which the land is required should be stated if possible.

(*c*) Describe the colouring or other method used to identify the land on the map. The boundaries of each parcel of land separately numbered in the schedule to the order should be clearly delineated. Also, the map itself should contain sufficient detail to enable the situation of the land to be readily identified and related to the description given in the schedule. Maps should normally be on a scale of 1/500 or 1/1250.

(*d*) Insert the name of the confirming authority.

(*e*) This article should be omitted in the case of an order under the Housing Act 1957 and is optional in other cases.

(*f*) This article may be omitted, or may be inserted with or without reference to sections 78 to 85.

(*g*) Insert any consequential modifications required—e.g. "references in the said [section] [sections] to the company shall be construed as references to the said ..... and references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon".

(*h*) Use the first alternative if the whole of the land referred to in article 1 falls within paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946. Otherwise, use the second alternative and specify the parcel number(s) of the land which does fall within paragraph 11.

(*j*) To be included, if appropriate, only where the order is made under section 15 of the Community Land Act 1975. The modifications of paragraph 4 of Schedule 1 to the Acquisition of Land Act made by paragraphs 2 and 3 of Schedule 4 to the 1975 Act, do not have effect unless the order contains this certificate.

(*k*) This column should contain sufficient detail to tell the reader approximately where the land is situated, without reference to the map.

In describing the land regard should be had (where appropriate) to note (*m*) below.

(*l*) Column (1) need not be completed where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1). In the case of any land in respect of which the confirming authority has dispensed with service on owners, lessees and occupiers under paragraph 19(4) of Schedule 1 to the Acquisition of Land Act, the appropriate columns should be endorsed "unknown".

(*m*) The compulsory acquisition of land—

(i) which is the property of a local authority;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking;

(iii) forming part of a common, open space or fuel or field garden allotment;

(iv) held inalienably by the National Trust; or

(v) being, or being the site of, an ancient monument or other object of archaeological interest;

is subject to Part III of Schedule 1 to the Acquisition of Land Act and consequently may be subject to Special Parliamentary Procedure in certain circumstances, unless section 41 of the Community Land Act 1975 applies in the case of (i) and (ii).

The column 'Description' need only refer to the special category into which the relevant parcel of land falls.

(*n*) The order should be made under seal, duly authenticated, and dated.

Regulation 3(*b*) FORM 3

NEWSPAPER NOTICE CONCERNING A COMPULSORY PURCHASE ORDER

COMPULSORY PURCHASE OF LAND IN (*a*)

Notice is hereby given that the
have made the
Compulsory Purchase Order 19 under the Act (*b*)
They are about to submit this order to
for confirmation, and if confirmed, the order will authorise them to purchase compulsorily the land described below for the purpose of (*c*)

A copy of the order and of the accompanying map may be seen at all reasonable hours at (*d*)

Any objection to the order must be made in writing to (*e*) before (*f*) and should state the title of the order and the grounds of objection.

Description of Land
(*g*)

[Date and signature]

NOTES

(*a*) Insert the name of the area in which the land concerned is situated.

(*b*) Insert the title of the Act authorising compulsory purchase. The Acquisition of Land (Authorisation Procedure) Act 1946 need not be mentioned.

(*c*) Insert the purpose as stated in the order.

(*d*) The place of deposit must be "within the locality". It should therefore be within reasonably easy reach of persons living in the area affected.

(*e*) Insert name and address of the confirming authority.

(*f*) Insert a date at least 21 days from the date of first publication of the notice (i.e. 21 days excluding the date of first publication).

(*g*) Insert description of all the land described in the order. This need not repeat the schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

Regulation 3(*c*) FORM 4

NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF LAND COMPRISED IN A COMPULSORY PURCHASE ORDER

The Act (*a*)
and the Acquisition of Land (Authorisation Procedure) Act 1946

[The Act(s)]

1. The ,
in exercise of their powers under the above Acts, on
19 made the Compulsory Purchase Order 19 ,
which is about to be submitted to the for confirmation.
The order, if confirmed, will authorise the to purchase
compulsorily, for the purpose of (*b*), the land described below.

2. A copy of the order and of the map referred to therein have been deposited at (*c*) and may be seen there at all reasonable hours.

3. If no objection is duly made by an owner, lessee or occupier (except a tenant for a month or less), or if all objections so made are withdrawn, or if the confirming authority is satisfied that every objection so made (*d*) [either] relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal [or amounts in substance to an objection to the provisions of the development plan defining the proposed use of the land comprised in the order or any other land] [or amounts in substance to an objection to the Scheme/Order 19], the confirming authority may confirm the order with or without modifications.

4. In any other case where an objection has been made by an owner, lessee or occupier (except a tenant for a month or less), the confirming authority is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, confirm the order with or without modifications.

5. Any objection to the order must be made in writing to (*e*) before (*f*), and should state the title of the order and the grounds of objection.

Description of Land
(*g*)

[Date and signature]

NOTES

(*a*) The heading and any sub-heading should be the same as in the order.

(*b*) Insert the purpose as stated in the order.

(*c*) The place of deposit must be "within the locality". It should therefore be within reasonably easy reach of persons living in the area affected.

(*d*) The words in square brackets containing the reference to the development plan are required only where the order is made under sections 112 and 113 of the Town and Country Planning Act 1971. The words in square brackets containing the reference to the Scheme/Order 19 are required only when the order is made under highway land acquisition powers (as defined in section 47(2) of the Highways Act 1971) and the circumstances specified in section 54(1) of the Highways Act 1971 apply. In all other cases the bracketed words should be omitted.

(*e*) Insert name and address of confirming authority.

(*f*) Insert a date at least 21 days from the date of service of the notice (i.e. 21 days excluding the date of service).

(*g*) Insert description of all the land comprised in the order. This need not repeat the schedule to the order, but must be in terms from which persons interested can readily see how their land is affected.

Additional provisions in relation to compulsory purchase orders made under section 114 *of the Town and Country Planning Act* 1971

3. Under section 114 of the Town and Country Planning Act 1971, any person having an interest in a listed building which it is proposed to acquire compulsorily under that section may, within 28 days after the service of this notice, apply to the magistrates' court for an order staying further proceedings on the compulsory purchase order, and, if the court is satisfied that reasonable steps have been taken for properly preserving the building, the court must make an order accordingly.

4. The (*a*) have included in the order a direction for minimum compensation (the meaning of which is explained (*b*)). Under section 117 of the Town and Country Planning Act 1971, any person having an interest in the building may, within 28 days after the service of this notice, apply to the magistrates' court for an order that the direction be not included in the order as [confirmed] [made] (*c*); and if the court is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or re-development of the site or any adjoining site, the court must make the order applied for.

5. Subject to any action taken under the 1971 Act (which also provides for appeals against decisions of the court) the position with respect to this order is as set out below.

NOTES

(*a*) Insert the name of the acquiring authority. If the acquiring authority is a Minister, the paragraph should begin "The has included in the draft order".

(*b*) Insert a reference to the place where the meaning of "direction for minimum compensation" is explained—e.g. "below" or "on the attached note". (This explanation is required by section 117(3) of the Town and Country Planning Act 1971 in any case where a direction is included in an order; and it should normally include the text of section 117(4)).

(*c*) Delete as appropriate.

Regulation 3(*c*) FORM 5

NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF LAND COMPRISED IN A COMPULSORY PURCHASE ORDER MADE ON BEHALF OF A PARISH OR COMMUNITY COUNCIL.

THE LOCAL GOVERNMENT ACT 1972

AND

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

[THE ACT(S) (*a*)]

1. The district council of , in exercise of their powers under the above Acts, on 19 made the Compulsory Purchase Order 19 , which is about to be submitted to the (*b*) for confirmation. The order, if confirmed, will authorise the council to purchase compulsorily, on behalf of the [parish] [community] (*c*) council of for the purpose of (*d*), the land described below.

2. A copy of the order and the map referred to therein have been deposited at (*e*) and may be seen there at all reasonable hours.

3. If no objection is duly made by any of the owners, lessees and occupiers of the land in question, or if all objections so made are withdrawn, or if the Secretary of State is satisfied that the objection relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal and disregards the objection, the Secretary of State is required to confirm the order with or without modification if he is satisfied that the proper notices have been published and served.

4. In any other case, the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, confirm the order with or without modifications.

5. Any objection to the order must be made in writing to the (*f*) before (*g*), and should state the title of the order and the grounds of objection.

Description of Land (*h*)

[Date and signature]

NOTES

(*a*) Any sub-heading should be the same as the sub-heading in the order.

(*b*) Insert the name of the confirming authority.

(*c*) Delete whichever is inapplicable.

(*d*) Insert the purpose as stated in the order.

(*e*) The place of deposit must be "within the locality". It should therefore be within reasonably easy reach of persons living in the area affected.

(*f*) Insert name and address of the confirming authority.

(*g*) Insert a date at least 21 days from the date of service of the notice (i.e. 21 days excluding the date of service).

(*h*) Insert description of all the land comprised in the order. This need not repeat the schedule to the order, but must be in terms from which persons interested can readily see how their land is affected.

FORM 6 *Regulation* 3(*c*)

NOTICE TO OWNERS, LESSEES AND OCCUPIERS, AND IN WALES LOCAL AUTHORITIES, OF LAND COMPRISED IN A COMPULSORY PURCHASE ORDER MADE UNDER SECTION 15 OF THE COMMUNITY LAND ACT 1975 AND CONTAINING A CERTIFICATE UNDER PARAGRAPH 1(2) OF SCHEDULE 4 TO THAT ACT

The Community Land Act 1975, section 15,
and the Acquisition of Land (Authorisation Procedure) Act 1946

1. The , in exercise of their powers under the above Acts, on 19 made the Compulsory Purchase Order 19 , which is about to be submitted to the for confirmation. The order, if confirmed, will authorise the to purchase compulsorily, for the purpose of (*a*), the land described below.

2. A copy of the order and of the map referred to therein have been deposited at (*b*) and may be seen there at all reasonable hours.

3. If no objection is duly made by an owner, lessee or occupier (except a tenant for a month or less, [or by a local authority within whose area the land is situated (*c*),] or if all objections so made are withdrawn, or if the confirming authority is satisfied that every objection so made either relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal or is made on the ground that the acquisition is unnecessary or inexpedient, the confirming authority may confirm the order with or without modifications.

4. In any other case where an objection has been made by an owner, lessee or occupier (except a tenant for a month or less), the confirming authority may, before confirming the order, either cause a public local inquiry to be held or afford to the objector an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose. An inquiry or hearing must be held unless the confirming authority is satisfied

(*a*) that planning permission for relevant development (as defined in section 3 of the Community Land Act 1975) is in force in respect of the land comprised in the order, and that the planning permission was granted by the confirming authority after a public local inquiry; or

(*b*) where a local plan for the district in which the land is situated has been adopted or approved under Part II of the Town and Country Planning Act 1971, that the grant of planning permission for relevant development in respect of the land comprised in the order would be in accordance with the provisions of that plan; or

(*c*) where no such plan has been so adopted or approved, that the grant of planning permission for relevant development in respect of the land comprised in the order would be in accordance with the provisions of the development plan.

After considering the objection, and the report of the person who held the inquiry or hearing if there was one, the confirming authority may then confirm the order with or without modifications.

5. Any objection to the order must be made in writing to (*d*) before (*e*), and should state the title of the order and the grounds of objection.

Description of Land
(*f*)

[Date and signature]

NOTES

(*a*) Insert the purpose as stated in the order.

(*b*) The place of deposit must be "within the locality". It should therefore be within reasonably easy reach of persons living in the area affected.

(*c*) Insert if any of the land comprised in the order is in Wales.

(*d*) Insert name and address of confirming authority.

(*e*) Insert a date at least 21 days from the date of service of the notice (i.e. 21 days excluding the date of service).

(*f*) Insert description of all the land comprised in the order. This need not repeat the schedule to the order, but must be in terms from which persons interested can readily see how their land is affected.

Regulation 3(*d*) FORM 7

NOTICE OF CONFIRMATION OF A COMPULSORY PURCHASE ORDER

The Act (*a*)
and the Acquisition of Land (Authorisation Procedure) Act 1946

[The Act(s)]

1. Notice is hereby given that the , in exercise of [his] powers under the above Acts, on confirmed [with modifications] the Compulsory Purchase Order 19 submitted by the [on behalf of the parish council of]. [on behalf of the community council of].

2. The order as confirmed provides for the purchase for the purpose of (*b*) of the land described in [the] schedule [1] hereto. [By a direction given under section 132 of the Town and Country Planning Act 1971, consideration of the order, so far as it relates to the land described in schedule 2, has been postponed until]. [By a direction given under section 55 of the Highways Act 1971 consideration of the order, so far as it relates to the land described in schedule 2, has been postponed until .] [By a direction given under paragraph 4 of Schedule 4 to the Community Land Act 1975 consideration of the order, so far as it relates to the land described in schedule 2, has been postponed until](*c*).

3. A copy of the order as confirmed by the and of the map referred to therein have been deposited at (*d*) and may be seen there at all reasonable hours.

4. (*e*) The order as confirmed becomes operative on the date on which this notice is first published; but a person aggrieved by the order may, by application to the High Court within 6 weeks from that date, question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

4. The order as confirmed is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a person aggrieved by the order may, by application to the High Court within 6 weeks from the operative date, question its validity on the ground (i) that the authorisation granted by the order is not empowered to be granted or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

Schedule [1]
Land comprised in the order as confirmed

[Schedule 2
Land in respect of which consideration has been postponed]
(*f*)

[Date and signature]

NOTES

(*a*) The heading and any sub-heading should be the same as in the order as confirmed.
(*b*) Insert the purpose as stated in the order.
(*c*) Omit the passages in square brackets where inappropriate.
(*d*) The place of deposit should be "within the locality". It should therefore be within reasonably easy reach of persons living in the area affected.
(*e*) Leave standing whichever alternative is appropriate.
(*f*) Where this form is to include a statement concerning general vesting declarations, (Form 10) the statement should be included at this point.

FORM 8 *Regulation* 3(*e*)

NOTICE OF THE GIVING OF A CERTIFICATE UNDER PART III OF SCHEDULE 1 TO THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

The Acquisition of Land (Authorisation Procedure) Act 1946

1. The Compulsory Purchase Order 19 , which has been [submitted by to the for confirmation] [prepared in draft by], includes the land described in the schedule hereto.

2. (*a*) This land was acquired by for the purposes of their undertaking and the Secretary of State is satisfied that [it is used] [an interest is held in it] for the purposes of the carrying on of their undertaking.

OR

This land [is] [forms part of] [a common] [an open space] [a fuel or field garden allotment].

OR

This land [is] [forms part of] [is the site of] an ancient monument or other object of archaeological interest.

3. Notice is hereby given that the Secretary of State, in exercise of his powers under paragraph [10] [11] [12] of Part III of Schedule 1 to the above-mentioned Act, has certified (*b*).

4. A map showing the land to which the certificate relates [and the land proposed to be given in exchange] may be inspected at (*c*) at all reasonable hours.

5. The certificate becomes operative on the date on which this notice is first published; but a person aggrieved by the certificate may, by application to the High Court within 6 weeks from that date, question its validity on the ground that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the certificate.

Schedule
(*d*)

[Date and signature]

NOTES

(*a*) Delete as appropriate.
(*b*) Insert the terms of the certificate.
(*c*) The place of deposit should be "within the locality". It should therefore be within reasonably easy reach of persons living in the area affected.
(*d*) Insert description of the land to which the certificate relates.

Regulation 5(a)

FORM 9

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 was [made] [confirmed] by (*b*) under the powers conferred on [him] [them] by the Act (*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

(3) A subsequent notice given on 19 before the service of any notice to treat in respect of any of the land described in the schedule hereto included 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

(4) 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 the general vesting declaration could not be executed.

OR

(4) 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 powers 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 [Part I of (*f*)] the schedule hereto (being [the whole] [part] of the land authorised to be acquired by the order) and more particularly delineated on the plan annexed hereto together with the right to enter upon and take possession of the 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 which is 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].

Schedule

(*g*) Date

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 title of the 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, refer instead to the relevant provision of that enactment.

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

(*f*) The schedule should be divided into Part I and Part II where Part II is required for the purpose of the final sentence of paragraph 2 of the declaration.

(*g*) The declaration should be made under seal, duly authenticated.

FORM 10 *Regulation* 5(*b*)

STATEMENT CONCERNING GENERAL VESTING DECLARATIONS (*a*)

Part I below contains a statement of the effect of paragraphs 1 to 8 of Schedule 3 to the Town and Country Planning Act 1968 and Part II contains a form for giving information.

PART I

Power to make general vesting declaration

1. The (hereinafter called) (*b*) may acquire any of the land described in [the] schedule [1] [above] [below] [hereto] (*c*) by making a general vesting declaration under section 30 of the Town and Country Planning Act 1968 which has the effect, subject to paragraph 4 below, of vesting the land in the (*b*) at the end of the period mentioned in paragraph 2 below. A declaration may not be made before the end of a period of two months from the first publication of a notice including this statement except with the consent of every occupier of the land affected.

Notices concerning general vesting declaration

2. As soon as may be after the (*b*) make a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in any notice including this statement. 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 this period the land described in the declaration will, subject to what is said in paragraph 4, vest in the (*b*) together with the right to enter on the land and take possession of it. In addition every person on whom the (*b*) could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 3) will be entitled to compensation for the acquisition of his interest in the land and to interest on the compensation from the date of vesting.

Application to certain tenancies

3. In the case of certain tenancies, the position stated above is subject to modifications. 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 shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or extend his interest.

Notice of entry

4. The (*b*) may not exercise the right of entry referred to in paragraph 2 in respect of land subject to one of the 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 vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

[Schedule] (*c*)

PART II (*a*)

Form for giving information

The Compulsory Purchase Order 19

To: (*b*)

[I] [We] being [a person] 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) of the said Schedule.

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

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

3. Nature of interest (iii).....

Signed .....

[on behalf of.....].

Date .....

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

(ii) The land should be described concisely.

(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

NOTES

(*a*) The acquiring authority are obliged by paragraph 2(1) of Schedule 3 to the Act to include in the notice of making or confirmation (Form 7) or a subsequent notice:—

(i) a statement of the effect of paragraphs 1 to 8 of that Schedule in a prescribed form (i.e. this form); and

(ii) a notification to the effect that every person who, if a general vesting declaration were made in respect of all the land comprised in the order in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of any such land is invited to give information to the authority making the declaration in the prescribed form with respect to his name and address and the land in question.

The acquiring authority may find it convenient to include this notification immediately before the prescribed form in Part II which may then be introduced by such words as "The relevant prescribed form is set out below".

(*b*) Insert the name of the acquiring authority, and define them by an appropriate term. Thereafter rely on the definition wherever "(*b*)" appears in the text.

(*c*) If this notice is served separately from the notice of making or confirmation (Form 7), insert a description of the land in a schedule following paragraph 4. Otherwise delete square brackets and preceding words as appropriate.

FORM 11 *Regulation* 5(*c*)

NOTICE STATING EFFECT OF GENERAL VESTING DECLARATION

The Compulsory Purchase Order 19

To:

of:

NOTICE IS HEREBY GIVEN that the (hereinafter called "the ") (*a*) 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 the notices required by paragraph 4 of Schedule 3 to the Act is completed.

Paragraph 4 of Schedule 3 to the Act requires notices 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 (*a*) 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 (*a*) 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 (*a*) as if the (*a*) 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 (*a*) could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the date of vesting and any person entitled to a minor tenancy or a long 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 (*a*) 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 (at least 14 days from the date of the service of the notice, i.e. 14 days excluding the date of first publication) 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 3A to the Act (as enacted in Appendix A of Schedule 2 to the Land Commission (Dissolution) Act 1971) contains supplementary provisions as to general vesting declarations. These provisions are set out in Appendix B to this notice.

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

Schedule

[Description of the land vested in the (*a*) by the general vesting declaration].

Appendix A

[Here set out paragraph 16 of Schedule 3 to the Act]

Appendix B

[Here set out Schedule 3A to the Act]
[Date and signature]

NOTES

(*a*) Insert the name of the authority, and define them by an appropriate term. Thereafter rely on that definition wherever "(*a*)" appears in the text.
(*b*) Insert address of the authority's office, as appropriate.

Regulation 6 FORM 12

NOTICE OF PROPOSED INQUIRY FOR PURPOSES OF SECTION 125(2) OF THE LOCAL GOVERNMENT ACT 1972

To (*a*)
[owner] [lessee] [occupier] of (*b*)

Take notice that the [parish] [community] (*c*) council of have represented to the district council of that they are unable to purchase by agreement and on reasonable terms suitable land for (*d*) being a purpose for which they are authorised to acquire land, and that they have requested the district council to make an order for the compulsory purchase of the land described in the schedule hereto for the said purpose.

A map showing the land concerned has been deposited at and may be seen at all reasonable hours.

The district council have appointed to hold a local inquiry in the above matter.

The inquiry will be held at on 19 , at a.m./p.m., and you have the right to attend and be heard.

Schedule

(Insert description of land)

[Date and signature]

NOTES

(*a*) Insert name of owner, lessee or occupier.
(*b*) Insert description of land proposed to be acquired.
(*c*) Delete whichever is inapplicable.
(*d*) Insert purpose for which the land is proposed to be acquired.

Signed by authority of the Secretary of State
26th February 1976.

John Silkin,
Minister for Planning and Local Government,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the previous regulations which prescribe forms for use in connection with—

(*a*) the compulsory purchase of land under the procedure of the Acquisition of Land (Authorisation Procedure) Act 1946;

(*b*) general vesting declarations, following a compulsory purchase order, and

(*c*) compulsory purchase orders and inquiries where a District Council propose to purchase land on behalf of a Parish or Community Council.

The forms prescribed by these Regulations include—

(i) the compulsory purchase order itself. This now provides for a certificate in accordance with paragraph 1(2) of Schedule 4 to the Community Land Act 1975 that there are no material interests comprised in the order other than outstanding material interests in development land. The note (*j*) to forms 1 and 2 makes it clear that this certificate can only be included where the order is made under section 15 of the Act of 1975, and that the modifications of paragraph 4 of Schedule 1 to the Act of 1946 made by paragraphs 2 and 3 of Schedule 4 to the Act of 1975, do not have effect unless the order contains this certificate;

(ii) the preliminary notice i.e. the newspaper notice and the personal notice to owners, lessees and occupiers, describing the effect of the order and specifying how objections can be made. Form 4 has been amended to take account of the effect of the Local Government Act 1974 (c. 7) on section 117 of the Town and Country Planning Act 1971. Form 6 is a new form of notice for use where the order is made under section 15 of the Community Land Act 1975 and contains the certificate referred to in (i) above;

(iii) the notice of confirmation of the order. This now allows for a direction under paragraph 4 of Schedule 4 to the Community Land Act 1975 that consideration of the order has been postponed so far as part of the land is concerned.

(iv) the notice that a certificate has been given under Part III of Schedule 1 to the Act of 1946;

(v) the general vesting declaration itself;

(vi) the statement of the effect of the statutory provisions relating to a general vesting declaration. This has been amended to remove minor errors;

(vii) the notice that such a declaration has been made; and

(viii) the notice of a proposed inquiry for the purposes of section 125(2) of the Local Government Act 1972.

The other changes in the regulations and the forms are minor and drafting alterations.

SI 1976/300
ISBN 0-11-060300-1

