STATUTORY INSTRUMENTS

2024 No. 913

NEW TOWNS, ENGLAND AND WALES

The New Towns (Compulsory Purchase of Land) (Amendment) Regulations 2024

Made - - - -	*6th September 2024*
Laid before Parliament	*9th September 2024*
Coming into force - -	*1st October 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 13(3) and (4), 77(1), and 80(1) of, paragraphs 1(1)(b), 2(1)(a), 5 and 13(4) of Schedule 4 to, and paragraphs 1, 2, and 5 of Schedule 5 to, the New Towns Act 1981(**a**) and section 214(6)(a) of, and paragraph 8(1) of Schedule 15 to, the Housing and Planning Act 2016(**b**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the New Towns (Compulsory Purchase of Land) (Amendment) Regulations 2024 and come into force on 1st October 2024.

(2) These Regulations extend to England and Wales.

Amendments to the New Towns (Compulsory Purchase of Land) Regulations 1977

2.—(1) The New Towns (Compulsory Purchase of Land) Regulations 1977(**c**) are amended as follows.

(2) In regulation 2(2), for "Schedule hereto" substitute "relevant Schedule";

(3) After regulation 2(2), insert—

"(2A) In paragraph (2), "relevant Schedule" means—

(a) where the form reference is in regulation 3, Schedule 1;

(b) where the form reference is in regulation 3A, Schedule 2.".

(4) In regulation 3—

(a) for the heading, substitute—

(**a**) 1981 c. 64. Paragraph 5 of Schedule 4 was amended by S.I. 2017/16. Paragraph 13 of Schedule 4 was amended by S.I. 1985/442. Paragraph 5 of Schedule 5 was substituted by S.I. 2017/16. See section 80(1)(a) of the Act for the meaning of "prescribed". Article 2 of, and Schedule 1 to, S.I. 1999/672 transferred the functions of a Minister of the Crown under the Act, so far as exercisable in relation to Wales, to the National Assembly for Wales. Paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) subsequently transferred these functions from the National Assembly to the Welsh Ministers.

(**b**) 2016 c. 22.

(**c**) S.I. 1977/549. By virtue of section 17(2)(b) of the Interpretation Act 1978 (c. 30), S.I. 1977/549 has effect as if made under the provisions of the New Towns Act 1981.

"Prescribed Forms: Wales".

(b) in the opening words, for "shall be" substitute "that apply in respect of the compulsory acquisition of land in Wales are".

(5) After regulation 3, insert—

"Prescribed forms: England

3A. The prescribed forms that apply in respect of the compulsory acquisition of land in England are—

(a) for the purposes of section 13(4), the form of representation by statutory undertakers with respect to land within an area to be designated by order under section 1 of the Act(**a**), is form 1;

(b) for the purposes of paragraph 1(1)(b) of Schedule 4, the form of compulsory purchase order is form 2 or, if the order provides for the vesting of land given in exchange pursuant to paragraph 13 of Schedule 4, form 3;

(c) for the purposes of paragraph 2(1)(a) of Schedule 4, the form of notice to be published or, where applicable, personal notice to be served, concerning a compulsory purchase order, is form 4;

(d) for the purposes of paragraph 5 of Schedule 4, the form of notice of confirmation of a compulsory purchase order is form 5; but in relation to an order made by the Secretary of State, that form has effect with the substitution for references to the confirmation of an order submitted, of references to the making of an order;

(e) for the purposes of section 13(3), the form of representation by statutory undertakers that land is operational land and request for that land to be excluded from a compulsory purchase order, is form 6;

(f) for the purposes of section 13(1) and paragraph 1 of Schedule 5, the form of application by a development corporation or local highway authority for a compulsory purchase order relating to operational land of statutory undertakers, is form 7;

(g) for the purposes of section 13(1) and paragraph 2 of Schedule 5, the form of notice to owners, lessees and occupiers of an application for a compulsory purchase order in respect of operational land of statutory undertakers, is form 8;

(h) for the purposes of section 13(1) and paragraph 5 of Schedule 5, the form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of operational land of statutory undertakers, is form 9;

(i) for the purposes of paragraph 13(4) of Schedule 4, the form of newspaper notice stating that a certificate has been given under Part 4 of Schedule 4, is form 10;

(j) for the purposes of paragraph 5(d) of Schedule 4 and paragraph 5(c) of Schedule 5, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981(**b**) is Part 1 of Form 11;

(k) for the purposes of paragraph 5(e) of Schedule 4 and paragraph 5(d) of Schedule 5, the form for giving information to the authority is Part 2 of Form 11.".

(6) Omit regulation 4.

(7) The existing Schedule becomes Schedule 1.

(**a**) By virtue of section 17(2)(b) of the Interpretation Act 1978, a reference to "the Act" in S.I. 1977/549 is construed as a reference to the New Towns Act 1981.

(**b**) 1981 c. 66.

(8) In that Schedule 1, at the beginning insert—

"Prescribed Forms: Wales".

(9) After that Schedule 1, insert the new Schedule 2 as set out in the Schedule to these Regulations.

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

Matthew Pennycook
Minister of State for Housing and Planning
6th September 2024 Ministry of Housing, Communities and Local Government

SCHEDULE

Regulation 2(9)

New Schedule 2

"SCHEDULE 2

Regulation 3A

Prescribed Forms: England

PART 1

FORM 1: REPRESENTATION BY STATUTORY UNDERTAKERS WITH REFERENCE TO A DESIGNATION ORDER

FORM 1

REPRESENTATION BY STATUTORY UNDERTAKERS WITH REFERENCE TO A DESIGNATION ORDER

New Towns Act 1981

Draft of the ..... New Town (Designation) Order 20.....*(a)*

To: .....*(b)*

The .....*(c)*, being statutory undertakers, hereby make a representation in accordance with section 13(4) of the New Towns Act 1981 that land, particulars of which are set out in the Schedule hereto, being land within the area to be designated by the ..... New Town (Designation) Order 20.....*(a)* as the site of a proposed new town, is operational land as defined in section 79(2) of the said Act.

SCHEDULE

Extent, description, and situation of the land (1)	Interest of undertakers in the land (2)	Purpose for which the land is held by the undertakers and (if different) present use of the land (3)

[Date and Signature]

NOTES

(a) Insert the title of the designation order.
(b) Insert the name of the appropriate Minister.
(c) Insert the name and address of the statutory undertakers.

PART 2

FORM 2: COMPULSORY PURCHASE ORDER

FORM 2

COMPULSORY PURCHASE ORDER

New Towns Act 1981

The ..... hereby make the following order—

1. Subject to the provisions of this order the said ..... are, under section .....*(a)* of the New Towns Act 1981, hereby authorised to purchase compulsorily 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 20.....'. 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)* 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 New Towns Act 1981, subject to the modifications that .....*(f)*.]

[3. *(g)* Under paragraph 5A of Schedule 4 to the New Towns Act 1981 the development corporation makes the following direction:

For the purpose of assessing compensation and notwithstanding anything to the contrary in the Land Compensation Act 1961 it is hereby directed that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961.]

4. This order may be cited as the ..... Compulsory Purchase Order 20.....

SCHEDULE

Number on map *(h)* (1)	Extent, description, and situation of the land *(i)* (2)	Owners or reputed owners *(h)* (3)

[*(j)* The order includes land falling within special categories to which Part IV of Schedule 4 to the New Towns Act 1981 applies, namely —

Number on map	Description

]

Date: [date] *(k)*

NOTES TO FORM 2

(a) *Insert the section, sub-section, paragraph (e.g. 10(1)(b)) of the New Towns Act 1981 conferring power to acquire the land compulsorily.*

(b) *Describe the purpose by reference to the words of the relevant paragraphs of section 10(1) or 11(1) of the New Towns Act 1981. 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 may be omitted or may be inserted without reference to sections 78 to 85.*

(f) *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'.*

(g) *Insert this paragraph where the acquiring authority wishes to include a direction that applies section 14A of the Land Compensation Act 1961 in the compulsory purchase order.*

(h) *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). Column (3) should be completed with the name of every owner of any of the land to which the order relates, even where the acquiring authority has not been required to serve owners personally. If the name of an owner is not known, column 3 should be endorsed 'unknown'.*

(i) *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 (j) below.*

(j) *The compulsory acquisition of land —*

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

(ii) held inalienably by the National Trust, or

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

is subject to Part IV of Schedule 4 to the New Towns Act 1981 and consequently may be subject to special parliamentary procedure in certain circumstances.

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

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

PART 3

FORM 3: COMPULSORY PURCHASE ORDER (PROVIDING FOR THE VESTING OF EXCHANGE LAND)

FORM 3

COMPULSORY PURCHASE ORDER

(Providing for the vesting of exchange land)

New Towns Act 1981

The ..... hereby make the following order—

1. Subject to the provisions of this order the said ..... are, under section .....*(a)* of the New Towns Act 1981, hereby authorised to purchase compulsorily 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 20.....'. 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)* 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 New Towns Act 1981, subject to the modifications that .....*(f)*.**]**

3. (1) In this article 'the order land' means *(g)* **[**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.

4. [*(h)* Under paragraph 5A of Schedule 4 to the New Towns Act 1981 the development corporation makes the following direction:

   For the purpose of assessing compensation and notwithstanding anything to the contrary in the Land Compensation Act 1961 it is hereby directed that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961.]

5. This order may be cited as the ..... Compulsory Purchase Order 20.....

SCHEDULE 1

Land to be Purchased

Number on map *(i)* (1)	Extent, description, and situation of the land*(j)* (2)	Owners or reputed owners*(i)* (3)

[*(k)* The order includes land falling within special categories to which Part IV of Schedule 4 to the New Towns Act 1981 applies, namely—

Number on map	Description

]

SCHEDULE 2

Exchange land

Date [*date*] *(l)*

NOTES TO FORM 3

(a) Insert the section, sub-section, paragraph (e.g. 10(1)(b)) of the New Towns Act 1981 conferring power to acquire the land compulsorily.

(b) Describe the purpose by reference to the words of the relevant paragraphs of section 10(1) or 11(1) of the New Towns Act 1981. 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 may be omitted or may be inserted without reference to sections 78 to 85.

*(f) 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'.*

(g) Use the first alternative if the whole of the land referred to in article 1 falls within paragraph 13 of Schedule 4 to the New Towns Act 1981. Otherwise use the second alternative and specify the parcel number(s) of the land which does fall within paragraph 13.

(h) Insert this paragraph where the acquiring authority wishes to include a direction that applies section 14A of the Land Compensation Act 1961 in the compulsory purchase order.

(i) 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). Column (3) should be completed with the name of every owner of any of the land to which the order relates, even where the acquiring authority has not been required to serve owners personally. If the name of an owner is not known, column 3 should be endorsed 'unknown'.

(j) 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 (k) below.

(k) The compulsory acquisition of land —

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

(ii) held inalienably by the National Trust, or

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

is subject to Part IV of Schedule 4 to the New Towns Act 1981 and consequently may be subject to special parliamentary procedure in certain circumstances.

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

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

PART 4

FORM 4: PUBLISHED NOTICE OR PERSONAL NOTICE THAT A COMPULSORY PURCHASE ORDER HAS BEEN SUBMITTED FOR CONFIRMATION

FORM 4

PUBLISHED NOTICE OR PERSONAL NOTICE THAT A COMPULSORY PURCHASE ORDER HAS BEEN SUBMITTED FOR CONFIRMATION

New Towns Act 1981

Compulsory Purchase of Land in .....*(a)*

[To: .....*(b)*]

1. The ..... on ..... made the ..... Compulsory Purchase Order 20..... under section .....*(c)* of the New Towns Act 1981. They have submitted this order to ..... for confirmation, and if confirmed, the order will authorise them to purchase compulsorily the land described below for the purpose of .....*(d)*.

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

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

4. The Secretary of State is not required in every case to arrange for a public local inquiry to be held or for objections to be heard by a person appointed by them for that purpose. It is important, therefore, that any objection should include a full statement in writing of the grounds on which the objection is made, as the objector may have no further opportunity to make such a statement.

5. Any owner or occupier of any of the land to which the order relates may (whether or not they make an objection to the order) send to .....*(h)* a request in writing that, in the event of the order being confirmed by the Secretary of State, they be served with a notice stating that the order has been confirmed and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen. Any such request must state the name and postal address of the owner or occupier making it, must state the nature of their interest in the land and must include sufficient particulars to enable the extent and boundaries of their land to be identified.

6. [(*i*)The [*(j)*] have included in the order a direction for compensation to be assessed in accordance with section 14A of the Land Compensation Act 1961. This means if the order is confirmed with the direction, when assessing the value of land in accordance with rule (2) in section 5 of the Land Compensation Act 1961, it is to be assumed that no planning permission would be granted for development on the relevant land (whether alone or together with other land). Whilst this does not prevent account being taken of planning permission which has already been granted, it does prevent account being taken of the value associated with:
   (a) "appropriate alternative development" as that term is used in sections 14 and 17 of the Land Compensation Act 1961; or
   (b) the prospect of planning permission being granted for other development on or after the relevant valuation date.

   A copy of the statement of commitments may be seen at any reasonable hour at
   [*(k)*].]

Description of Land
(l)

[Date and signature]

NOTES

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

(b) Omit when the Form is used for a published notice. When the Form is used for a personal notice served on an owner of the land, insert the name and address of the person on whom the notice is to be served.

(c) Insert the section, sub-section, and paragraph of the Act as these are cited in the order.

(d) Insert the purpose as cited in the order.

(e) State the place where the order has been deposited for inspection. This should 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 28 days from the date of first publication of the notice in a newspaper circulating in the locality (i.e. 28 days excluding the date of first publication).

(h) Insert name and address of the acquiring authority.

(i) Insert this paragraph where the acquiring authority wishes to include a direction that applies section 14A of the Land Compensation Act 1961 in the compulsory purchase order.

(j) Insert the name of the acquiring authority.

(k) Insert the name of a place where a copy of the statement of commitments may be seen at any reasonable hour.

(l) 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.

PART 5

FORM 5: PUBLISHED NOTICE OR PERSONAL NOTICE OF CONFIRMATION OF A COMPULSORY PURCHASE ORDER

FORM 5

PUBLISHED NOTICE OR PERSONAL NOTICE OF CONFIRMATION OF A COMPULSORY PURCHASE ORDER

New Towns Act 1981

[To: .....*(a)***]**

1. Notice is hereby given that the ....., in exercise of his powers under the above Act, on ..... confirmed **[**with modifications**]** the ..... Compulsory Purchase Order 20..... submitted by the .....

2. The order as confirmed provides for the purchase for the purpose of .....*(b)* of the land described in the Schedule hereto.

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

4. *[(d)* 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 six weeks from that date, question its validity on the grounds (i) that the order is not within the powers of the Act or (ii) that their interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

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 six weeks from the operative date, question its validity on the grounds (i) that the order is not within the powers of the Act or (ii) that their interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.]

5. [(*e*) The order as confirmed provides a direction for compensation to be assessed in accordance with section 14A of the Land Compensation Act 1961. When assessing the value of land in accordance with rule (2) in section 5 of the Land Compensation Act 1961, it is to be assumed that no planning permission would be granted for development on the relevant land (whether alone or together with other land). Whilst this does not prevent account being taken of planning permission which has already been granted, it does prevent account being taken of the value associated with:
   (a) "appropriate alternative development" as that term is used in sections 14 and 17 of the Land Compensation Act 1961; or
   (b) the prospect of planning permission being granted for other development on or after the relevant valuation date.

6. A copy of the statement of commitments submitted in connection with the order as confirmed, or if the statement was amended after its submission the statement as amended, has been deposited at [(*f*)] and may be seen at all reasonable hours.

7. If the statement of commitments submitted in connection with the order as confirmed, or if the statement was amended after its submission the statement as amended, is not fulfilled by [(*g*)], in accordance with paragraph 1 of Schedule 2A to the Land Compensation Act 1961, additional compensation may become payable.]

SCHEDULE

Land Comprised in the Order as Confirmed

[Date and signature]

NOTES

(a) Omit when the Form is used for a published notice. When the Form is used for a personal notice served on an owner of the land, insert the name and address of the person on whom the notice is to be served.
(b) Insert the purpose as stated in the order.
(c) State the place where the order has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.
(d) Leave standing whichever alternative is appropriate.
(e) Insert paragraphs 5-7 where the acquiring authority has included a direction that applies section 14A of the Land Compensation Act 1961 in the compulsory purchase order.
(f) Insert the name of the place where a copy of the statement of commitments may be seen at any reasonable hour.
(g) Insert the name of the acquiring authority.

PART 6

FORM 6: REPRESENTATION BY STATUTORY UNDERTAKERS WITH RESPECT TO A COMPULSORY PURCHASE ORDER

FORM 6

REPRESENTATION BY STATUTORY UNDERTAKERS WITH RESPECT TO A COMPULSORY PURCHASE ORDER

New Towns Act 1981

[*Title of Compulsory Purchase Order*]

To: .....*(a)*

The .....*(b)*, being statutory undertakers, hereby make—

(a) a representation in accordance with section 13(3) of the New Towns Act 1981 that land, particulars of which are set out in the Schedule hereto, being the whole or part of land to which the above Compulsory Purchase Order relates, is operational land, and
(b) a request for that land to be excluded from the order.

SCHEDULE

Extent, description, and situation of the land (1)	Interest of undertakers in the land (2)	Purpose for which the land is held by the undertakers and (if different) present use of the land (3)

[Date and Signature]

NOTES

(a) Insert the name and address of the appropriate Minister as respects the statutory undertakers concerned.
(b) Insert the name and address of the statutory undertakers.

PART 7

FORM 7: APPLICATION FOR A COMPULSORY PURCHASE ORDER RELATING TO OPERATIONAL LAND OF STATUTORY UNDERTAKERS

FORM 7

APPLICATION FOR A COMPULSORY PURCHASE ORDER RELATING TO OPERATIONAL LAND OF STATUTORY UNDERTAKERS

New Towns Act 1981

The .....*(a)* hereby make an application in accordance with section 13(1) of the New Towns Act 1981 to .....*(b)* for an order to be made by them authorising the said ..... to purchase compulsorily for the purpose of .....*(c)*, the land which is operational land (as defined in section 79(2) of the said Act) of the .....*(d)* and which is described in the Schedule hereto and is delineated and shown .... *(e)* on the map annexed hereto and marked "Map referred to in an application for a Compulsory Purchase Order dated .....".

[(*f*) Under paragraph 5A of Schedule 5 to the New Towns Act 1981 ("the 1981 Act") the acquiring authority requests the order be made with the following direction:

For the purpose of assessing compensation and notwithstanding anything to the contrary in the Land Compensation Act 1961 it is hereby directed that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961.]

SCHEDULE

Number on map *(g)* (1)	Extent, description, and situation of the land *(h)* (2)	*Owners or reputed owners* *(3)*	*Lessees or reputed lessees* *(4)*	Occupiers (5)

[*Date and signature*]

NOTES

(a) Insert the name and address of the acquiring authority making the application.

(b) Insert the names of the confirming authority and the appropriate Minister as respects the statutory undertakers.

(c) Describe the purpose by reference to the words of the relevant paragraphs of section 10(1) or 11(1) of the New Towns Act 1981. 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.

(d) Insert name of statutory undertakers.

(e) Describe the colouring or other method used to identify the land on the map. The map 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.

(f) Insert this paragraph where the acquiring authority wishes to request the inclusion of a direction that applies section 14A of the Land Compensation Act 1961 in the compulsory purchase order.

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

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

PART 8

FORM 8: PERSONAL NOTICE OF APPLICATION FOR A COMPULSORY PURCHASE ORDER OF OPERATIONAL LAND OF STATUTORY UNDERTAKERS

FORM 8

PERSONAL NOTICE OF APPLICATION FOR A COMPULSORY PURCHASE ORDER OF OPERATIONAL LAND OF STATUTORY UNDERTAKERS

New Towns Act 1981

To

1. The ..... in exercise of their powers under section 13 of the above Act on ..... 20..... applied to .....*(a)* for an order to be made authorising the said ..... to purchase compulsorily for the purpose of .....*(b)* the land described below which is operational land (as defined in section 79(2) of the said Act) of the .....*(c)*.

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

3. If no objection is duly made by an owner, lessee or occupier of any land to which the application relates, or if all objections so made are withdrawn the .....*(a)* may, if they think fit make a compulsory purchase order in accordance with the application, with or without modifications.

4. If any objection is duly made by any such owner, lessee or occupier and is not withdrawn the .....*(a)* **[**are**] [**is**]** required before making an order on the application to consider the objection and if either the person by whom the objection was made or the acquiring authority so desire, to afford that person and the acquiring authority an opportunity of appearing before and being heard by a person appointed by the said .....*(a)*.

5. Any objection to the application must be made in writing to .....*(e)* before .....*(f)* and should state the title of the order and the grounds of objection. The objection is not deemed to be duly made unless —

   (i) it is made within the time and in the manner specified in this notice, and
   (ii) a submission in writing of the grounds of the objection is comprised in or submitted with the objection.

6. [(*g*) The [*(h)*] have requested in the application for the order for a direction to be made that compensation be assessed in accordance with section 14A of the Land Compensation Act 1961. This means if the order is made with the direction, when assessing the value of land in accordance with rule (2) in section 5 of the Land Compensation Act 1961, it is to be assumed that no planning permission would be granted for development on the relevant land (whether alone or together with other land). Whilst this does not prevent account being taken of planning permission which has already been granted, it does prevent account being taken of the value associated with:
   a. "appropriate alternative development" as that term is used in sections 14 and 17 of the Land Compensation Act 1961; or
   b. the prospect of planning permission being granted for other development on or after the relevant valuation date.

   A copy of the statement of commitments may be seen at any reasonable hour at *(i)*.]

Description of Land
(j)

[Date and signature]

NOTES

(a) *Insert the name and address of the confirming authority and the appropriate Minister as respects the statutory undertakers.*
(b) *State purpose as set out in the application for the order.*
(c) *State name of statutory undertakers.*
(d) *State the place where the application has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.*
(e) *Insert the name and address of the confirming authority.*
(f) *Insert a date at least 28 days from the service of the notice (i.e. 28 days excluding the date of service).*
(g) *Insert this paragraph where the acquiring authority wishes to request the inclusion of a direction that applies section 14A of the Land Compensation Act 1961 in the compulsory purchase order.*
(h) *Insert the name of the acquiring authority.*
(i) *Insert the name of a place where a copy of the statement of commitments may be seen at any reasonable hour.*
(j) *Insert description of all the land comprised in the application. This need not repeat the Schedule to the application but must be in terms from which persons interested can readily see how their land is affected.*

PART 9

FORM 9: PERSONAL NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER FOR OPERATIONAL LAND OF STATUTORY UNDERTAKERS

FORM 9

PERSONAL NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER FOR OPERATIONAL LAND OF STATUTORY UNDERTAKERS

New Towns Act 1981

[*Title of Compulsory Purchase Order*]

To:

1. Notice is hereby given that .....*(a)* in exercise of their powers under section 13(1) of the above Act on ..... 20..... made an order **[**generally**]***(b)* in accordance with an application submitted to them by the ..... authorising the said ..... to purchase compulsorily for the purpose of .....*(c)* the land described in the Schedule hereto.

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

3. [*(e)*The order as made becomes operative on the date on which service of **[**this notice is effected**]** **[**this notice and any other notices required by paragraph 5 of Schedule 5 to the above Act is completed**]***(f)*; but a person aggrieved by the order may, by application to the High Court within six weeks from that date, question its validity on the grounds (i) that the order is not within the powers of the Act or (ii) that their interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

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 six weeks from the operative date, question its validity on the grounds (i) that the order is not within the powers of the Act or (ii) that their interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.]

4. [(*g*) The order as made provides a direction for compensation to be assessed in accordance with section 14A of the Land Compensation Act 1961. When assessing the value of land in accordance with rule (2) in section 5 of the Land Compensation Act 1961, it is to be assumed that no planning permission would be granted for development on the relevant land (whether alone or together with other land). Whilst this does not prevent account being taken of planning permission which has already been granted, it does prevent account being taken of the value associated with:
    a. "appropriate alternative development" as that term is used in sections 14 and 17 of the Land Compensation Act 1961; or
    b. the prospect of planning permission being granted for other development on or after the relevant valuation date.

5. A copy of the statement of commitments submitted in connection with the order as made, or if the statement was amended after its submission the statement as amended, has been deposited at [(*h*)] and may be seen at all reasonable hours.

6. If the statement of commitments submitted in connection with the order as made, or if the statement was amended after its submission the statement as amended, is not fulfilled by [(*i*)], in accordance with paragraph 1 of Schedule 2A to the Land Compensation Act 1961, additional compensation may become payable.]

SCHEDULE

Land Comprised in the Order as Made

[Date and signature]

NOTES

(a) Insert the name of the confirming authority and the appropriate Minister as respects the statutory undertakers.
(b) Omit if the order was made in accordance with the application without modification.
(c) Insert the purpose as stated in the application.
(d) State the place where the order has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.
(e) Leave standing whichever alternative is appropriate.
(f) If all the land is vested in a single owner-occupier, delete the second phrase in square brackets; otherwise delete the first phrase.
(g) Insert paragraphs 4-6 where a confirming authority has agreed to an acquiring authority's request for a direction that applies section 14A of the Land Compensation Act 1961 to be included in the compulsory purchase order as made.
(h) Insert the name of the place where a copy of the statement of commitments may be seen at any reasonable hour.
(i) Insert the name of the acquiring authority.

PART 10

FORM 10: NOTICE OF GIVING OF CERTIFICATE UNDER PARAGRAPH 13 OF SCHEDULE 4 TO THE NEW TOWNS ACT 1981

FORM 10

NOTICE OF GIVING OF CERTIFICATE UNDER PARAGRAPH 13 OF SCHEDULE 4 TO THE NEW TOWNS ACT 1981

New Towns Act 1981

1. The ..... Compulsory Purchase Order 20..... which has been **[**submitted by ..... to the ..... for confirmation**]** **[**prepared in draft by .....**]***(a)* includes the land described in the Schedule hereto.

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

3. Notice is hereby given that the Secretary of State in exercise of their powers under paragraph 13 of Schedule 4 to the New Towns Act 1981 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 six weeks from that date, question its validity on the grounds (i) that the certificate is not within the powers of the Act, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirements relating to the certificate.

SCHEDULE
(d)

[Date and signature]

NOTES

(a) Insert the name of the acquiring authority making the compulsory purchase order and the name of the Secretary of State, as appropriate.
(b) Insert the terms of the certificate.
(c) State where a copy of the certificate has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.
(d) Insert description of the land to which the certificate relates.

PART 11

FORM 11: FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981 AND FOR GIVING INFORMATION TO THE AUTHORITY".

FORM 11

PART 1(*a*)
FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once [ ](*b*) has become operative, the (hereinafter called) (*c*) may acquire any of the land described in Schedule 1 above (*d*) by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the (*c*) at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the *(c)* execute 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 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the [confirmation] [making] (*e*) notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the (*c*) together with the right to enter on the land and take possession of it. Every person on whom the (*c*) 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 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or 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 on the vesting date 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 still 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 renew his interest.

5. The modifications are that the *(c)* may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 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 three months from the service of the notice) 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.

PART 2(*a*)
FORM FOR GIVING INFORMATION
The Compulsory Purchase Order 20

To: (*c*)

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 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, give you the following information, pursuant to the provisions of [paragraph 5 of Schedule 4] [paragraph 5 of Schedule 5] (*e*) to the New Towns Act 1981.

1. Name and address of informant(s) (*f*)
   .....
2. Land in which an interest is held by informant(s) (*g*)
   .....
3. Nature of interest (*h*)
   .....

Signed
.....

[on behalf of]
.....

Date
.....

NOTES

(a) *A confirmation notice of a compulsory purchase order under paragraph 5 of Schedule 4 or under paragraph 5 of Schedule 5 to the New Towns Act 1981 must—*
   (i) *contain a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (i.e. Part 1 of this Form); and*
   (ii) *invite any person who, if a general vesting declaration were executed under section 4 of that Act, would be entitled to claim compensation to give the acquiring authority information about the person's name, address, and interest in land, using a prescribed form (i.e. Part 2 of this Form).*

(b) *Insert the title of the order as made or confirmed, beginning with the name of the acquiring authority followed in brackets by the location where the land to be acquired is situated. The words "Compulsory Purchase Order" and the year in which it is made should then follow.*

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

(d) *Schedule to the confirmation notice of a compulsory purchase order will contain a description of all the land (and/or new rights (if any)) comprised in the order. Part 1 of this Form should be inserted as a subsequent Schedule to the confirmation notice.*

(e) *Delete material which is inapplicable.*

(f) *In the case of a joint interest insert the names and addresses of all the informants.*

(g) *The land should be described concisely.*

(h) *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.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the New Towns (Compulsory Purchase of Land) Regulations 1977 ("the 1977 Regulations") (S.I. 1977/549).

Regulations 2(2) and (3) amend regulation 2 of the 1977 Regulations to provide that Schedules 1 and 2 to the 1977 Regulations (as amended and inserted by these Regulations) apply in different circumstances.

Regulation 2(4), (7) and (8) amend regulation 3 of, and the Schedule (which becomes Schedule 1) to, the 1977 Regulations to specify that the forms prescribed by regulation 3 continue to apply to compulsory purchase orders made under the New Towns Act 1981 ("the Act") for the compulsory acquisition of land in Wales.

Regulation 2(5) and (9) insert new regulation 3A and new Schedule 2 into the 1977 Regulations. They prescribe new Forms 1 to 11 that apply to compulsory purchase orders made under the Act for the compulsory acquisition of land in England.

Regulation 2(6) omits regulation 4 from the 1977 Regulations.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown Copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-826333-6

£8.14

http://www.legislation.gov.uk/id/uksi/2024/913

9 780348 263336