1967 No. 354

LAND COMMISSION

ACQUISITION, MANAGEMENT AND DISPOSAL OF LAND

The Vesting Declaration (Prescribed Forms) Regulations 1967

Made - - -	*9th March* 1967
Laid before Parliament	14*th March* 1967
Coming into Operation	6*th April* 1967

The Minister of Housing and Local Government, being for the purpose of these regulations the appropriate Minister in relation to England and Wales, in exercise of the powers conferred on him by sections 9, 21 and 98 of the Land Commission Act 1967(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Vesting Declaration (Prescribed Forms) Regulations 1967, apply to England and Wales and shall come into operation on 6th April 1967 (being the first appointed day under the Act(**b**)).

Interpretation

2.—(1) In these regulations:—

"the Act" means the Land Commission Act 1967;

"the Commission" means the Land Commission;

"general vesting declaration" has the meaning assigned to it by section 9(2) of the Act.

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

General vesting declarations

3.—(1) For the purpose of section 9(1) of the Act (by virtue of which the Commission may execute a general vesting declaration in respect of land which they are authorised to acquire by a compulsory purchase order) a general vesting declaration shall be in the form specified in Part I of the Schedule to these regulations or in a form substantially to the like effect.

(2) For the purposes of subsection (3) of section 9 of the Act a notice specifying the land specified in a general vesting declaration and stating the effect of the declaration (which notice is required by that subsection to be served by the Commission on the persons referred to in paragraphs (a) and (b) thereof as soon as may be after executing a general vesting declaration) shall be in the form specified in Part II of the Schedule to these regulations or in a form substantially to the like effect.

(**a**) 1967 c. 1.
(**b**) *See* S.I. 1967/146 (1967 I, p. 241).
(**c**) 1889 c. 63.

Vesting declarations

4. For the purposes of section 21(3) of the Act a vesting declaration under section 21 (compulsory acquisition in pursuance of notice under section 20) in respect of an interest in land shall be in the form specified in Part III of the Schedule to these regulations or in a form substantially to the like effect.

Given under the official seal of the Minister of Housing and Local Government on 9th March 1967.

(L.S.) *Anthony Greenwood,*
Minister of Housing and
Local Government.

SCHEDULE

PART 1 *Regulation* 3(1)

FORM OF GENERAL VESTING DECLARATION

THIS GENERAL VESTING DECLARATION is made the day of One thousand nine hundred and by THE LAND COMMISSION (hereinafter called "the Commission")

WHEREAS:—

(1) On the day of One thousand nine hundred and the Commission in exercise of the powers conferred on them by section 6 of the Land Commission Act 1967 (hereinafter called "the Act") made an order entitled "The Compulsory Purchase Order 19 " (hereinafter called "the compulsory purchase order") for the compulsory purchase of certain land specified in the Schedule thereto.

(2) Notice of the making of the compulsory purchase order was first published (in accordance with paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by section 7(1) of the Act) on the day of 19 and the compulsory purchase order was registered in the register of local land charges by the proper officer of each local authority area (as defined by section 11(6) of the Act) in which the land to which the order related, or any part of that land, was situate.

(3) [The compulsory purchase order did not prescribe any period longer than two months beginning with the date of the first publication of notice of the making of the compulsory purchase order as the period before the end of which this general vesting declaration could not be executed]

or

[The compulsory purchase order prescribed the period of months beginning with the date of the first publication of notice of the making of the compulsory purchase order as the period before the end of which this general vesting declaration could not be executed]

or

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

NOW THIS DEED WITNESSETH that in exercise of the power for the purpose conferred on the Commission by section 9 of the Act the Commission hereby declare as follows:

1. The land described in the Schedule hereto (being the whole/part of the land described in the Schedule to the compulsory purchase order) and more particularly delineated on the plan hereto annexed together with the right to enter upon and take possession of the same shall vest in the Commission as from the end of the period of (*insert period of* 28 *days or longer*) days from the date on which the service of notices required by section 9(3) of the Act is completed.

[2. In relation to this general vesting declaration, the Commission, by virtue of the provisions of section 26(3) of the Act, hereby declare that for the purpose of sections 9 and 10 thereof the expression "long tenancy which is about to expire" means a tenancy granted for an interest greater than a minor tenancy but having at the date of this general vesting declaration a period longer than one year but not more than years months to run.]

IN WITNESS whereof the Commission have caused their common seal to be hereunto affixed the day and year first before written

THE SCHEDULE above referred to

THE COMMON SEAL of the LAND COMMISSION hereunto affixed is authenticated by the signature of:—

[Secretary]

or

[a person authorised by the Land Commission]

Regulation 3(2) PART II

FORM OF NOTICE STATING EFFECT OF GENERAL VESTING DECLARATION

LAND COMMISSION ACT 1967

The Compulsory Purchase Order 19

To:

of:

NOTICE IS HEREBY GIVEN that the Land Commission (hereinafter called "the Commission") on (*date*) made a general vesting declaration under section 9 of the Land Commission Act 1967 (hereinafter called "the Act") vesting the land (hereinafter called "the said land") described in the Schedule to this notice in themselves as from the end of the period of days from the date on which the service of notices required by section 9(3) of the Act is completed. (Section 9(3) of 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 (a)) and on every other person who has given information to the Commission with respect to any of that land in pursuance of the invitation published and served under section 7(5) of the Act). The Commission will in due course specify in a certificate the date on which the service of the said notices is completed.

(a) The definitions of "minor tenancy" and "long tenancy which is about to expire" are set out in Appendix A to this notice.

The effect of the general vesting declaration is as follows:

On the date of vesting (as determined in accordance with the preceding paragraph) the said land, together with the right to enter upon and take possession of it, will vest in the Commission as if the circumstances in which under Part I of the Compulsory Purchase Act 1965 an acquiring authority have any power to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance) had arisen in respect of all the land and all interests therein, and the Commission had duly exercised that power accordingly on that date.

Moreover, on the date of vesting the provisions of the Land Compensation Act 1961 (as modified by Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946) and of the Compulsory Purchase Act 1965 will apply as if, on the date on which the general vesting declaration was made (namely the day of 19) a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965 (on the assumption that they required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in that section) the Commission could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before that date and any person entitled to a minor tenancy or a long 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 to which the preceding provisions of this notice refer will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the Commission have served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than fourteen days) from the date of service, they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

Schedule 3 to the Act 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 the Land Commission's Regional Office,

and may be seen there at all reasonable hours.

This notice is issued on behalf of the Land Commission by

Signed

authorised by the Land Commission to act in that behalf.

THE SCHEDULE above referred to

APPENDIX A

Here set out section 26(3) *of the Act*

APPENDIX B

Here set out Schedule 3 *to the Act*

Regulation 4

PART III

FORM OF VESTING DECLARATION UNDER SECTION 21 OF THE ACT

THIS VESTING DECLARATION is made the day of one thousand nine hundred and by THE LAND COMMISSION (hereinafter called "the Commission")

WHEREAS:—

(1) By a crownhold disposition dated the day of 19 made between the Commission (1) and (*insert names of all other parties*) the land described in the Schedule hereto and more particularly delineated in the plan hereunto annexed [together with other land] was conveyed [demised] by the Commission unto the said for an estate in fee simple [for a term of years from the day of 19] to be held by way of crownhold subject to due observance of certain crownhold covenants as defined in section 17(3) of the Land Commission Act 1967 (hereinafter called "the Act").

(2) The land comprised in the crownhold disposition and the interest in the land conveyed [granted] by that disposition are respectively hereinafter referred to as "the crownhold land" and "the crownhold interest."

(3) On the day of 19 the Commission in accordance with the provisions of section 20 of the Act served notice of breach of crownhold covenant [upon a person then entitled to the crownhold interest in the whole [in part] of the crownhold land [and] [upon a person then entitled to an interest consisting of a tenancy of the whole [of part] of the crownhold land created (directly or indirectly) out of the crownhold interest].

(4) The Commission stated in the said notice that, after the end of (*insert period stated in notice*) from the date of service thereof, they proposed to execute a vesting declaration in respect of the interest of the person served with such notice in so far as that interest subsisted in the land described in the Schedule hereto and delineated in the said plan hereunto annexed.

(5) [No counter-notice was served on the Commission in accordance with section 20(3) of the Act before the expiration of the period of weeks mentioned in the last preceding recital]

or

[A counter-notice was duly served on the Commission in accordance with section 20(3) of the Act but was withdrawn on the day of 19]

or

[An application for leave for the Commission to execute this vesting declaration was made to the County Court and (*give details of the occurrence of the event last occurring as mentioned in section* 21(2)(c) *or* (d) *of the Act*).]

NOW THIS DEED WITNESSETH that in exercise of the power for the purpose conferred on the Commission by section 21 of the Act the Commission hereby declare that the crownhold interest in the [part of the] crownhold land described in the Schedule hereto and more particularly delineated in the plan hereunto annexed [and] [the interest consisting of a tenancy created out of the crownhold interest in so far as that interest subsists in the [part of the] crownhold land described in the Schedule hereto and more particularly delineated in the plan hereunto annexed] shall vest in the Commission on the day of 19 .

IN WITNESS whereof the Commission have caused their common seal to be hereunto affixed the day and year first before written.

THE SCHEDULE above referred to

THE COMMON SEAL of the LAND COMMISSION hereunto affixed is authenticated by the signature of:—

[Secretary]

or

[a person authorised by the Land Commission]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of general vesting declaration, and of notice stating the effect thereof, for the purposes of section 9 of the Land Commission Act 1967, under which the Land Commission may by means of such a declaration vest in themselves land which the Commission are authorised to acquire by a compulsory purchase order.

The Regulations also prescribe the form of vesting declaration for the purpose of section 21 of the Act under which the Commission may similarly vest in themselves an interest in land in respect of which a breach of crownhold covenant has occurred.

The Regulations apply to England and Wales.