

SCHEDULES

SCHEDULE 6

Section 4(5)

ACQUISITION OF LAND: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

Land Clauses Consolidation Act 1845 (c. 18)

- 1 The Land Clauses Consolidation Act 1845 does not apply to the acquisition of land under section 4(1).

Compulsory Purchase Act 1965 (c. 56)

- 2 (1) In its application by virtue of section 4(3), the Compulsory Purchase Act 1965 has effect as if it were subject to the following modifications.
- (2) Omit section 4 (time for exercise of compulsory purchase powers).
- (3) In section 11(1) (power to enter on and take possession of land the subject of a notice to treat after giving not less than 14 days' notice)—
- (a) in a case where the notice to treat relates only to the acquisition of subsoil or under-surface of land or an easement or other right over land, for “fourteen days” substitute “one month’s”, and
- (b) in any other case, for “fourteen days” substitute “three months”.
- (4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “section 10(1) of the High Speed Rail (London - West Midlands) Act 2017”.
- (5) In Schedule 3 (alternative procedures for obtaining rights of entry), omit paragraph 3(3) (requirement as to sureties in relation to bond for compensation).

Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

- 3 (1) In its application by virtue of section 4(4), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect as if it were subject to the following modifications.
- (2) In section 3 (preliminary notices), for subsection (1) substitute—
- “(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below in a notice which is—
- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and
- (b) published in the London Gazette.”

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2) of section 3, for “(1)(b)” substitute “(1)”.
- (4) In that section, omit subsections (5) and (6) and at the end insert—
 - “(7) For the purposes of this section, a person has a relevant interest in land if—
 - (a) the person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or
 - (b) the person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”
- (5) In section 5 (earliest date for execution of declaration)—
 - (a) in subsection (1), after “publication” insert “in the London Gazette”, and
 - (b) omit subsection (2).
- (6) References to the Compulsory Purchase Act 1965 are to be read as references to that Act as applied by section 4(3) to the acquisition of land under section 4(1).

Acquisition of Land Act 1981 (c. 67)

- 4 (1) Section 4 of the Acquisition of Land Act 1981 (assessment of compensation in relation to compulsory purchase where unnecessary things done with view to obtaining compensation) has effect in relation to a compulsory purchase under this Act as if it were a compulsory purchase for the purposes of that Act.
- (2) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of working of mines or minerals underlying an authorised undertaking) have effect in relation to land to which section 4(1) applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.
- (3) In their application by virtue of sub-paragraph (2), Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 have effect as if—
 - (a) references to the acquiring authority, except the second reference in paragraph 6, were to the nominated undertaker, and
 - (b) references to the undertaking were to the undertaking which the nominated undertaker is authorised by this Act to carry on.