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SCHEDULES.

SECOND SCHEDULE

Section 24.

COMPULSORY PURCHASE ORDERS.

Form, contents and procedure.

- 1 A compulsory purchase order made under this Act shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations,—
- (a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);
 - (b) in a case where the purchaser is a local authority or a joint water board, the Acquisition of Land (Assessment of Compensation) Act, 1919, and Part II of the Town and Country Planning Act, 1944; and
 - (c) Part IV of the Third Schedule to this Act.
- 2 The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—
- (a) the arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;
 - (b) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions, of the Ecclesiastical Leasing Acts, of land belonging to a benefice.
- 3 Before submitting the order to the Minister, the local authority or undertakers shall—
- (a) publish in one or more local newspapers circulating within their limits or proposed limits of supply a notice in the prescribed form stating that such an order has been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

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- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation and specifying the time within and the manner in which objections thereto can be made.

- 4 If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions hereinafter in this Schedule contained, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed.

- 5 An order as confirmed by the Minister shall not, unless all persons interested consent, authorise the local authority or undertakers to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.
- 6 In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority or undertakers shall be deemed to be the promoters of the undertaking.

Validity and date of operation.

- 7 So soon as may be after a compulsory purchase order has been confirmed by the Minister, the local authority or undertakers shall publish in one or more local newspapers circulating in their limits or proposed limits of supply a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.
- 8 If any person aggrieved by such an order as aforesaid desires to question the validity thereof on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation or the order, make an application for the purpose to the High Court, and where any such application is duly made, the court—
 - (i) may by interim order suspend the operation of the order, either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and
 - (ii) if satisfied upon the hearing of the application that the order, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, either generally or in so far as it affects any property of the applicant.

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- 9 Subject to the provisions of the last foregoing paragraph, the order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever, either before or after the order is confirmed, and shall become operative at the date on which notice of confirmation of the order is published in accordance with the provisions of this Schedule.
- 10 Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Schedule.