

SCHEDULE 5

COMPULSORY PURCHASE

PART II

VALIDITY AND OPERATION OF COMPULSORY PURCHASE ORDERS

- 7 (1) So soon as may be after a compulsory purchase order has been made by the Minister, he shall—
- (a) publish in one or more newspapers circulating in the locality in which the land to which the order relates is situated a notice stating that the order has been made 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
 - (b) serve a like notice on every person who made an objection to the order.
- (2) Section 30 of this Act applies to the service of a notice under' sub-paragraph (1)(b) above as it applies to the service of documents under Part II of this Act.
- (3) Where the order is subject to special parliamentary procedure," the notice to be published and served by the Minister under sub-paragraph (1) above shall contain a statement that the order is to be laid before Parliament under the Statutory Orders (Special Procedure) Acts 1945 and 1965.
- 8 (1) Except where the order is confirmed by Act, if a person aggrieved by the order desires to question its validity 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—
- (a) in the case of an order to which the Statutory Orders (Special Procedure) Acts 1945 and 1965 apply, within a period of six weeks after the date on which the order becomes operative under those Acts; and
 - (b) in any other case, within a period of six weeks after the first publication of the notice of the order,
- make an application for that purpose to the court.
- (2) Where any such application is duly made, the court—
- (a) may by interim order suspend the operation of the compulsory purchase order, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
 - (b) 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.
- (3) In this paragraph—
- " confirmed by Act" means confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945 or (in relation to Scotland) that section and section 2(4) of the Act as read with section 10 thereof; and
 - "the court" means, in relation to England and Wales, the High Court and, in relation to Scotland, the Court of Session.

Status: This is the original version (as it was originally enacted).

- 9 Subject to the foregoing provisions, the order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever either before or after the order is made.
- 10 The order, except where the Statutory Orders (Special Procedure) Acts 1945 and 1965 apply to it, shall become operative at the expiration of six weeks from the date on which notice of it is first published in accordance with the provisions of this Part of this Schedule.