



Town and Country Planning Act 1971

1971 CHAPTER 78

PART VI

ACQUISITION AND APPROPRIATION OF LAND AND RELATED PROVISIONS

Acquisition and appropriation of land

112 Compulsory acquisition of land in connection with development and for other planning purposes

- (1) The Secretary of State may authorise a local authority to whom this section applies to acquire compulsorily any land within their area if he is satisfied—
 - (a) that the land is required in order to secure the treatment as a whole, by development, redevelopment or improvement, or partly by one and partly by another method, of the land or of any area in which the land is situated; or
 - (b) that it is expedient in the public interest that the land should be held together with land so required; or
 - (c) that the land is required for development or redevelopment, or both, as a whole for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the redevelopment or improvement, or both, of another area as a whole ; or
 - (d) that it is expedient to acquire the land immediately for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- (2) Where under subsection (1) of this section the Secretary of State has power to authorise a local authority to whom this section applies to acquire any land compulsorily he may, after the requisite consultation, authorise the land to be so acquired by another authority, being a local authority within the meaning of this Act.
- (3) Before giving an authorisation under subsection (2) of this section, the Secretary of State shall—
 - (a) where the land is in a county borough, consult with the council of the borough;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) where the land is in a county district, consult with the councils of the county and the county district;
 - (c) where the land is in a London borough, consult with the council of the borough and with the Greater London Council.
- (4) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.
- (5) The local authorities to whom this section applies are the councils of counties, county boroughs, and county districts, the Greater London Council and the councils of London boroughs.

113 Compulsory acquisition of land by Secretary of State for the Environment

- (1) The Secretary of State for the Environment may acquire compulsorily any land necessary for the public service.
- (2) The power of acquiring land compulsorily under this section shall include power to acquire an easement or other right over land by the grant of a new right:
- Provided that this subsection shall not apply to an easement or other right over any land which would for the purposes of the Acquisition of Land (Authorisation Procedure) Act 1946 form part of a common, open space or fuel or field garden allotment.
- (3) The said Act of 1946 shall apply to any compulsory acquisition by the Secretary of State for the Environment under this section as it applies to a compulsory acquisition by another Minister in a case falling within section 1(1) of that Act.

114 Compulsory acquisition of listed building in need of repair

- (1) Where it appears to the Secretary of State, in the case of a building to which this section applies, that reasonable steps are not being taken for properly preserving it, the Secretary of State may authorise the council of the county, county borough or county district in which the building is situated or, in the case of a building situated in Greater London, the Greater London Council or the London borough council, to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (2) Where it appears to the Secretary of State, in the case of a building to which this section applies, that reasonable steps are not being taken for properly preserving it, he may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required for the purpose mentioned in subsection (1) of this section.
- (3) This section applies to any listed building, not being an excepted building as defined in section 58(2) of this Act.
- (4) The Secretary of State shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory acquisition of land under this section and accordingly shall have effect—
 - (a) as if this section had been in force immediately before the commencement of that Act; and
 - (b) as if references therein to the enactments specified in section 1(1)(b) of that Act included references to the provisions of this section.
- (6) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required by paragraph 3(1)(b) of Schedule 1 to the said Act of 1946, apply to a magistrates' court acting for the petty sessions area within which the building is situated for an order staying further proceedings on the compulsory purchase order; and, if the court is satisfied that reasonable steps have been taken for properly preserving the building, the court shall make an order accordingly.
- (7) Any person aggrieved by the decision of a magistrates' court on an application under subsection (6) of this section may appeal against the decision to the Crown Court.

115 Repairs notice as preliminary to compulsory acquisition under s.114

- (1) Neither a council nor the Secretary of State shall start the compulsory purchase of a building under section 114 of this Act unless at least two months previously they have served on the owner of the building, and not withdrawn, a notice under this section (in this section referred to as a "repairs notice")—
 - (a) specifying the works which they consider reasonably necessary for the proper preservation of the building; and
 - (b) explaining the effect of sections 114 to 117 of this Act.
- (2) Where a council or the Secretary of State have served a repairs notice, the demolition of the building thereafter shall not prevent them from being authorised under section 114 of this Act to acquire compulsorily the site of the building, if the Secretary of State is satisfied that he would have confirmed or, as the case may be, would have made a compulsory purchase order in respect of the building had it not been demolished.
- (3) A council or the Secretary of State may at any time withdraw a repairs notice served by them; and if they do so, they shall forthwith give notice of the withdrawal to the person who was served with the notice.
- (4) For the purposes of this section a compulsory acquisition is started when the council or the Secretary of State, as the case may be, serve the notice required by paragraph 3(1)(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946.

116 Compensation on compulsory acquisition of listed building

Subject to section 117 of this Act, for the purpose of assessing compensation in respect of any compulsory acquisition of land including a building which, immediately before the date of the compulsory purchase order, was listed, it shall be assumed that listed building consent would be granted for any works for the alteration or extension of the building, or for its demolition, other than works in respect of which such consent has been applied for before the date of the order and refused by the Secretary of State, or granted by him subject to conditions, the circumstances having been such that compensation thereupon became payable under section 171 of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

117 Minimum compensation in case of listed building deliberately left derelict

- (1) A council proposing to acquire a building compulsorily under section 114 of this Act, if they are satisfied that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or re-development of the site or any adjoining site, may include in the compulsory purchase order as submitted to the Secretary of State for confirmation, an application for a direction for minimum compensation ; and the Secretary of State, if he is so satisfied, may include such a direction in the order as confirmed by him
- (2) Subject to the provisions of this section, where the Secretary of State acquires a building compulsorily under section 114 of this Act, he may, if he is satisfied as mentioned in subsection (1) of this section, include a direction for minimum compensation in the compulsory purchase order.
- (3) The notice required to be served in accordance with paragraph 3(1)(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (notices stating effect of compulsory purchase order or, as the case may be, draft order) shall, without prejudice to so much of that paragraph as requires the notice to state the effect of the order, include a statement that the authority have made application for a direction for minimum compensation or, as the case may be, that the Secretary of State has included such a direction in the draft order prepared by him in accordance with paragraph 7 of that Schedule and shall in either case explain the meaning of the expression " direction for minimum compensation ".
- (4) A direction for minimum compensation, in relation to a building compulsorily acquired, is a direction that for the purpose of assessing compensation it is to be assumed, notwithstanding anything to the contrary in the Land Compensation Act 1961 or this Act, that planning permission would not be granted for any development or re-development of the site of the building and that listed building consent would not be granted for any works for the demolition, alteration or extension of the building other than development or works necessary for restoring it to, and maintaining it in, a proper state of repair; and if a compulsory purchase order is confirmed or made with the inclusion of such a direction, the compensation in respect of the compulsory acquisition shall be assessed in accordance with the direction.
- (5) Where the local authority include in a compulsory purchase order made by them an application for a direction for minimum compensation, or the Secretary of State includes such a direction in a draft compulsory purchase order prepared by him, any person having an interest in the building may, within twenty-eight days after the service of the notice required by paragraph 3(1)(b) of Schedule 1 to the said Act of 1946, apply to a magistrates' court acting for the petty sessions area in which the building is situated for an order that the local authority's application for a direction for minimum compensation be refused or, as the case may be, that such a direction be not included in the compulsory purchase order as made by the Secretary of State; and if the court is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose mentioned in subsection (1) of this section, the court shall make the order applied for.
- (6) A person aggrieved by the decision of a magistrates' court on an application under subsection (5) of this section may appeal against the decision to the Crown Court.
- (7) The rights conferred by subsections (5) and (6) of this section shall not prejudice those conferred by section 114(6) and (7) of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

118 Extinguishment of rights over land compulsorily acquired

- (1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Part of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.
- (2) Subsection (1) of this section shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) In respect of any right or apparatus not falling within subsection (2) of this section, subsection (1) of this section shall have effect subject—
 - (a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) of this section shall not apply to any right or apparatus specified in the direction ; and
 - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.
- (5) Any compensation payable under this section shall be determined in accordance with the Land Compensation Act 1961.

119 Acquisition of land by agreement

- (1) The council of any county, county borough, London borough or county district may acquire by agreement—
 - (a) any land which they require for any purpose for which a local authority may be authorised to acquire land under section 112 of this Act;
 - (b) any building appearing to them to be of special architectural or historic interest; and
 - (c) any land comprising or contiguous or adjacent to such a building which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (2) The powers conferred by subsection (1) of this section shall not be exercisable by a council except with the consent of the Secretary of State, unless the land which is to be acquired either—
 - (a) is immediately required by the council for the purpose for which it is to be acquired ; or
 - (b) if it is not so required, is land within the area of the council.
- (3) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, section 10 and section 31, shall apply in relation to the acquisition of land under this section.
- (4) The powers conferred by this section on the councils of London boroughs shall be exercisable also by the Greater London Council—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) in a London borough, with the consent of the council of the borough; or
- (b) in the Inner Temple or the Middle Temple with the consent of the Sub-Treasurer or, as the case may be, Under-Treasurer thereof; or
- (c) in any of the areas aforesaid if the appropriate consent aforesaid is withheld, with the consent of the Secretary of State; or
- (d) in relation to land in any of the areas aforesaid, without any such consent as aforesaid, if the land is used for the purposes of an industrial or commercial undertaking and is to be acquired incidentally to the removal of that undertaking from Greater London.

120 Acquisition of land for purposes of exchange

Without prejudice to the generality of the powers conferred by the preceding provisions of this Part of this Act, any power of a local authority to acquire land thereunder, whether compulsorily or by agreement, shall include power to acquire land required for giving in exchange—

- (a) for land appropriated under section 121 of this Act; or
- (b) for Green Belt land, within the meaning of the Green Belt (London and Home Counties) Act 1938, appropriated in accordance with that Act for any purpose specified in a development plan.

121 Appropriation of land forming part of common etc.

- (1) Any local authority may be authorised, by an order made by that authority and confirmed by the Secretary of State, to appropriate for any purpose for which that authority can be authorised to acquire land under any enactment any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938.
- (2) Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.
- (3) Section 163 of the Local Government Act 1933 (general provisions as to the appropriation of land by local authorities) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.
- (4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the appropriation has been effected shall, for the purposes of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 be deemed to have been authorised by the enactment under which the land was acquired.
- (5) On an appropriation of land by a local authority under this section, where—
 - (a) the authority is not an authority to whom Part II of the Act of 1959 applies ; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function within the meaning of the Act of 1959, or is appropriated by the authority for the purposes of such a function, there shall be made in the accounts of the local authority such adjustments as the Secretary of State may direct.
- (6) On an appropriation under this section which does not fall within subsection (5) of this section, there shall be made such adjustment of accounts as is required by section 24(1) of the Act of 1959.

Powers exercisable in relation to land held for planning purposes, and other related powers

122 Appropriation of land held for planning purposes

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority (subject to the following provisions of this section) may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part of this Act.
- (2) The consent of the Secretary of State shall be requisite to any appropriation under this section—
- (a) by an authority which is not an authority to whom Part II of the Act of 1959 applies; or
- (b) of land which, immediately before the appropriation, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act, and any such consent may be given either in respect of a particular appropriation or in respect of appropriations of any class, and may be given either subject to or free from any conditions or limitations.
- (3) For the purposes of subsection (2) of section 23 of the Act of 1959 (consent of Ministers to appropriations in certain cases) the power of appropriation conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within subsection (2) of this section) be deemed to be a power in relation to which subsection (1) of that section has effect.
- (4) In relation to any appropriation under this section—
- (a) subsection (2) of section 163 of the Local Government Act 1933 (which relates to the operation of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965); and
- (b) subsections (5) and (6) of section 121 of this Act, shall have effect as they have effect in relation to appropriations under those sections respectively.
- (5) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of section 163(1) of the Local Government Act 1933.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

123 Disposal of land held for planning purposes

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
- (2) The consent of the Secretary of State shall be requisite to any disposal under this section—
 - (a) by an authority which is not an authority to whom Part II of the Act of 1959 applies; or
 - (b) of land acquired or appropriated for planning purposes for a reason mentioned in section 112(1)(a) to (c) of this Act; or
 - (c) of land which, immediately before the disposal, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act,and any such consent may be given either in respect of a particular disposal or in respect of disposals of any class, and may be given either subject to or free from any conditions or limitations.
- (3) For the purposes of subsections (2) and (3) of section 26 of the Act of 1959 (consent of Ministers to disposals in certain cases), any disposal of land under this section shall be deemed to be a disposal which, apart from that section, could not be effected except with the consent of a Minister; and for the purposes of subsection (4) of that section (disposals for a price, consideration or rent less than the best reasonably obtainable) the power, of disposal conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within subsection (2) of this section) be deemed to be a power in relation to which subsection (1) of that section has effect.
- (4) Subject to subsection (5) of this section, if it appears to the Secretary of State that it is expedient as mentioned in subsection (1) of this section that a local authority should dispose of land under this section to any person, and the authority have refused to dispose of it to him or are unable to reach agreement with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him, the Secretary of State may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.
- (5) A local authority shall not be required by any directions given under subsection (4) of this section (except to such extent as may appear to the Secretary of State to be requisite in any particular case for giving effect to subsection (7) of this section) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made; and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Secretary of State and the authority, or, in default of such agreement, shall be referred to and determined by the Lands Tribunal.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) In estimating the best consideration for the purposes of subsection (5) of this section, any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded.
- (7) In relation to land acquired or appropriated for planning purposes for a reason mentioned in section 112(1)(a) to (c) of this Act the powers conferred by this section on a local authority, and on the Secretary of State in respect of the giving of consent to disposals under this section, shall be so exercised as to secure, so far as may be practicable, to persons who were living or carrying on business or other activities on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements, on terms settled with due regard to the price at which any such land has been acquired from them.

In this subsection "development" includes redevelopment.

- (8) Subject to the provisions of section 27 of the Act of 1959 (which enables capital money in certain cases to be applied without the consent or approval of a Minister which would otherwise be required), section 166 of the Local Government Act 1933 (which relates to the application of capital money received from the disposal of land) shall have effect in relation to capital money received in respect of transactions under this section as it has effect in relation to capital money received in respect of such transactions as are mentioned in that section.
- (9) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of sections 164 and 165 of the Local Government Act 1933.

124 Development of land held for planning purposes

- (1) The functions of a local authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of the authority by virtue of its constitution, to erect, construct or carry out any building or work on any land to which this section applies, not being a building or work for the erection, construction or carrying out of which, whether by that local authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment.
- (2) This section applies to any land which has been acquired or appropriated by a local authority for planning purposes and is for the time being held by the authority for the purposes for which it was so acquired or appropriated.
- (3) The consent of the Secretary of State shall be requisite to any exercise by a local authority of the power conferred on them by subsection (1) of this section; and any such consent may be given either in respect of a particular operation or in respect of operations of any class, and either subject to or free from any conditions or limitations.
- (4) Where a local authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Secretary of State of their proposal, and the Secretary of State may direct such advertisement by the authority as appears to him to be requisite for the purposes of subsection (3) of this section.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) The functions of a local authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain and insure any buildings or works on land to which this section applies, and generally to deal therewith in a proper course of management.
- (6) A local authority may, with the consent of the Secretary of State, enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements:

Provided that nothing in this section shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from this subsection.

- (7) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any grounds other than such a limitation as is mentioned in subsection (1) of this section.
- (8) In this section " alternative enactment" means any enactment which is not contained in this Part of this Act, in section 2 or 14 of the Local Employment Act 1960, in section 2, 5 or 6 of the Local Authorities (Land) Act 1963, or in section 20 or 21(4) of the Industrial Development Act 1966; and " authorised association " means any society, company or body of persons approved by the Secretary of State whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages, and the erection, improvement or management of buildings for the working classes and others, and which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

125 Special provisions as to features and buildings of architectural and historic interest

- (1) In the exercise of the powers of appropriation, disposal and development conferred by the provisions of sections 122, 123 and 124(1) of this Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings; and the Secretary of State shall not give his consent to the appropriation or disposal thereunder of any land comprising a listed building, or to the erection, construction or carrying out of any building or work on any such land, unless either—
- (a) the consent is given subject to such conditions or limitations as in the opinion of the Secretary of State will secure the preservation of the listed building; or
 - (b) the Secretary of State, after giving the requisite notice of the application for his consent, is satisfied that the purpose which the local authority seek to achieve by the proposed exercise of their powers is one which ought in the public interest to be carried out, and that the carrying out of that purpose, whether by the use of the land in question or otherwise, either—
 - (i) would be prevented by the preservation of the listed building; or
 - (ii) would be so affected by the preservation thereof that, notwithstanding the desirability of preserving the building, it is inexpedient to do so.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) For the purposes of subsection (1)(b) of this section the requisite notice of an application for the consent of the Secretary of State is a notice which—
 - (a) contains such particulars of the appropriation, disposal or operation for which his consent is sought as appear to him to be requisite; and
 - (b) not less than twenty-eight days before he gives his decision on the application, is published in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated.
- (3) In this section "preservation", in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and "development" includes redevelopment.
- (4) This section is without prejudice to the provisions of section 277(5) of this Act.

126 Management etc. of listed buildings acquired by local authority or Secretary of State

- (1) Where a local authority acquire any building or other land under section 114(1) or 119(1)(b) of this Act, they may make such arrangements as to its management, use or disposal as they consider appropriate for the purpose of its preservation.
- (2) Where the Secretary of State acquires any building or other land under section 114(2) of this Act, subsection (3) of section 5 of the Historic Buildings and Ancient Monuments Act 1953 (management, custody and disposal), except so much of it as refers to subsection (4) of that section, shall apply in relation thereto as it applies in relation to property acquired under that section.

127 Power to override easements and other rights

- (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local authority for planning purposes, whether done by the local authority or by a person deriving title under them, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract:

Provided that nothing in this subsection shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

- (2) This section applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (3) In respect of any interference or breach in pursuance of subsection (1) of this section, compensation shall be payable under section 63 or 68 of the Lands Clauses Consolidation Act 1845 or under section 7 or 10 of the Compulsory Purchase Act 1965 to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

compensation is to be estimated in connection with a purchase under those Acts or the injury arises from the execution of works on land acquired under those Acts.

- (4) Where a person deriving title under the local authority by whom the land in question was acquired or appropriated is liable to pay compensation by virtue of subsection (3) of this section, and fails to discharge that liability, the liability shall be enforceable against the local authority:

Provided that nothing in this subsection shall be construed as affecting any agreement between the local authority and any other person for indemnifying the local authority against any liability under this subsection.

- (5) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) of this section,

128 Use and development of consecrated land and burial grounds

- (1) Any consecrated land, whether or not including a buildings which has been acquired by a Minister, a local authority or statutory undertakers under this Part of this Act or compulsorily under any other enactment, or which has been appropriated by a local authority for planning purpose, may, subject to the following provisions of this section—

- (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land ; and "
- (b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land :

Provided that this subsection does not apply to land which consists or forms part of a burial ground.

- (2) Any use of consecrated land authorised by subsection (1) of this section, and the use of any land, not being consecrated land, acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.
- (3) Any regulations made for the purposes of subsection (2) of this section—
- (a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
 - (b) shall contain requirements relating to the disposal of any such land as is mentioned in subsection (2) of this section such as appear to the Secretary

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

of State requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land; and

- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.

- (4) Any land consisting of a burial ground or part of a burial ground, which has been acquired or appropriated as mentioned in subsection (1) of this section, may—

- (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land; and
- (b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds :

Provided that this subsection shall not have effect in respect , of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.

- (5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to subsection (4) of this section—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;
- (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

- (6) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

- (7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4) of this section.

- (8) In this section " burial ground " includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and "monument" includes a tombstone or other memorial.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

129 Use and development of land for open spaces

- (1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired ' by a Minister, a local authority or statutory undertakers under this Part of this Act or compulsorily under any other enactment, or which has been appropriated by a local authority for planning purposes, may—
 - (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land; and
 - (b) in any other case, be used by any person in any manner in accordance with planning permission,
 notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.
- (2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in subsection (1) of this section.

130 Displacement of persons from land acquired or appropriated

- (1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, and the carrying out of redevelopment on the land will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.
- (2) Section 144 of the Housing Act 1957 (obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition by a local authority under section 112 of this Act.
- (3) If the Secretary of State certifies that possession of a house which has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was acquired or appropriated, is immediately required for those purposes, nothing in the Rent Act 1968 shall prevent the acquiring or appropriating authority from obtaining possession of the house.
- (4) Where any land has been acquired by a Minister or a local authority under this Part of this Act, or has been appropriated by a local authority for planning purposes, that Minister or the local authority in question, as the case may be—
 - (a) may pay to any person who is displaced in the carrying out of redevelopment on the land such reasonable allowance as he or they think fit towards his expenses in removing; and
 - (b) may pay to a person carrying on any business in a building from which he is so displaced such reasonable allowance as he or they think fit towards the loss which, in his or their opinion, that person will sustain by reason of the disturbance to his business consequent on his having to quit the building.
- (5) In estimating loss for the purposes of paragraph (b) of subsection (4) of this section, the Minister or local authority in question shall have regard to the period for which the premises occupied by the person referred to in that paragraph might reasonably have been expected to be available for the purpose of that person's business, and to the availability of other premises suitable for that purpose.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

131 Constitution of joint body to hold land acquired for planning purposes

- (1) If it appears to the Secretary of State, after consultation with the local authorities concerned, to be expedient that any land acquired by a local authority for planning purposes should be held by a joint body, consisting of representatives of that authority and of any other local authority, he may by order provide for the establishment of such a joint body and for the transfer to that body of the land so acquired.
- (2) Any order under this section providing for the establishment of a joint body may make such provision as the Secretary of State considers expedient with respect to the constitution and functions of that body, including provisions—
 - (a) for incorporating the joint body ;
 - (b) for conferring on them, in relation to land transferred to them as mentioned in subsection (1) of this section, any of the powers conferred on local authorities by this Part of this Act in relation to land acquired and held by such authorities for the purposes of this Part of this Act;
 - (c) for determining the manner in which their expenses are to be defrayed.
- (3) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Secretary of State to be necessary or expedient.

Supplementary provisions

132 Modification of incorporated enactments for purposes of Part VI

- (1) Where it is proposed that land should be acquired compulsorily under section 112 or 113 of this Act, and a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, or, as the case may be, is made in draft by the Secretary of State for the Environment in accordance with Part II of that Schedule, the confirming authority or that Secretary of State, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Secretary of State, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.
- (2) Where a compulsory purchase order authorising the acquisition of any land under section 112 of this Act is submitted to the Secretary of State in accordance with Part I of Schedule 1 to the said Act of 1946, then if the Secretary of State—
 - (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein; but
 - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,he may confirm the order so far as it relates to the land mentioned in paragraph (a) of this subsection, and give directions postponing consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.
- (3) Where the Secretary of State gives directions under subsection (2) of this section, the notices required by paragraph 6 of Schedule 1 to the said Act of 1946 to be published and served shall include a statement of the effect of the directions.

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (4) In construing the Compulsory Purchase Act 1965 in relation to any of the provisions of this Part of this Act—
- (a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section 127 of this Act;
 - (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of the said Act of 1965 to the acquiring authority shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and
 - (c) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister or statutory undertakers on land acquired by that Minister or those undertakers, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

133 Interpretation of Part VI

- (1) In this Part of this Act any reference to the acquisition of land for planning purposes is a reference to the acquisition thereof under section 112 or 119 of this Act or section 68 or 71 of the Act of 1962 and any reference to the appropriation of land for planning purposes is a reference to the appropriation thereof for purposes for which land can be or could have been acquired under those sections.
- (2) In relation to a local authority or body corporate, nothing in sections 127 to 129 of this Act shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.
- (3) Any power conferred by section 128 or 129 of this Act to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.