



# British Telecommunications Act 1981

## 1981 CHAPTER 38

### PART I

#### NEW CORPORATION FOR THE PROVISION OF TELECOMMUNICATION AND DATA PROCESSING SERVICES

##### *Land*

#### **38 Compulsory purchase of land in England and Wales**

- (1) The Secretary of State may authorise the Corporation to purchase compulsorily any land in England and Wales which is required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required; and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land in England and Wales by the Corporation as if the Corporation were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.
- (2) The power of purchasing land compulsorily in this section shall include power to acquire, by the creation of a new right, an easement or other right over land, other than land which would, for the purposes of the said Act of 1946, form part of a common, open space or fuel or field garden allotment.

#### **39 Compulsory purchase of land in Scotland**

- (1) The Secretary of State may authorise the Corporation to purchase compulsorily any land in Scotland which is required for, or in connection with, the exercise of its powers or as to which it can be reasonably foreseen that it will be so required; and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory purchase of land in Scotland by the Corporation as if the Corporation were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.

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- (2) The power of purchasing land compulsorily in this section shall include power to acquire, by the creation of a new right, a servitude or other right over land, other than land which would, for the purposes of the said Act of 1947, form part of a common or open space.

#### **40 Compulsory purchase of land in Northern Ireland**

- (1) Where the Corporation proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required, it may apply to the Secretary of State for an order vesting that land in it, and the Secretary of State shall have power to make such an order.
- (2) For the purposes of the acquisition of land by means of a vesting order under this section, Schedule 6 to the Local Government Act (Northern Ireland) 1972 and Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (as amended by any enactment of Northern Ireland legislation passed or made before the passing of this Act) are hereby incorporated in this Act subject to the modifications specified in subsection (3).
- (3) The said modifications are as follows—
- (a) for any reference in the said Schedule 6 to a council there shall be substituted a reference to the Corporation ;
  - (b) for any reference in either Schedule to the Ministry there shall be substituted a reference to the Secretary of State;
  - (c) for any reference in either Schedule to the Act or Order in question there shall be substituted a reference to this Act;
  - (d) in paragraph 6(2) of the said Schedule 6, for the words from " the fund " onwards there shall be substituted the words " funds of British Telecommunications (in this Schedule referred to as ' the compensation fund' ) and shall be discharged by payments made by British Telecommunications " ; and
  - (e) in paragraph 12(2) of that Schedule for the words " the clerk of the council " there shall be substituted the words " such person as may be designated for the purposes of this Schedule by British Telecommunications " .
- (4) The Acquisition of Land (Assessment of Compensation) Act 1919 shall, in its application to any land vested in the Authority by an order made under this section, have effect as amended by the Lands Tribunal and Compensation Act (Northern Ireland) 1964.
- (5) In this section " land " has the meaning assigned to it by section 45(1)(a) of the Interpretation Act (Northern Ireland) 1954.

#### **41 Entry, for exploratory purposes, on land in England and Wales**

- (1) A person duly authorised in writing by the Corporation may, at any reasonable time, enter upon and survey any land in England and Wales other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.
- (2) Sections 280(9) and 281(1) to (3) and (6) of the Town and Country Planning Act 1971 (which contain supplementary provisions relating to the powers of entry conferred by

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section 280(1) to (8) thereof) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by the said section 280, subject however to the following modifications, namely—

- (a) that section 280(9) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words "or the presence of minerals therein " were omitted ; and
  - (b) that section 281(1) (which requires twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if for the words " twenty-four hours " there were substituted the words " twenty-eight days ".
- (3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to chattels, any person interested in the land or chattels may recover from the Corporation compensation in respect of the damage ; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, he may recover from the Corporation compensation in respect of the disturbance.
- (4) Section 179 of the said Act of 1971 (which provides for the determination of disputes as to compensation under Part VIII of that Act) shall apply to any question of disputed compensation under this section.
- (5) This section shall come into operation on the appointed day.

## **42 Entry, for exploratory purposes, on land in Scotland**

- (1) A person duly authorised in writing by the Corporation may, at any reasonable time, enter upon and survey any land in Scotland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.
- (2) Sections 265(8) and 266(1) to (3) and (6) of the Town and Country Planning (Scotland) Act 1972 (supplementary provisions as to powers of entry) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by the said section 265, subject however to the following modifications, namely—
  - (a) that section 266(1) (twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if for the words " twenty-four hours " there were substituted the words " twenty-eight days "; and
  - (b) that section 265(8) (power to search and bore for minerals etc.) shall so have effect as if the words " or the presence of minerals therein " were omitted.
- (3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to corporeal moveables, any person interested in the land or corporeal moveables may recover from the Corporation compensation in respect of the damage ; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or corporeal moveables, he may recover from the Corporation compensation in respect of the disturbance.
- (4) Any question arising under this section as to the effect of damage or as to the amount of compensation shall, in the case of dispute, be determined by arbitration, and the reference in such an arbitration shall be to a single arbiter to be appointed by agreement between the parties or, in default of an agreement, by the Secretary of State.
- (5) This section shall come into operation on the appointed day.

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#### **43 Entry, for exploratory purposes, on land in Northern Ireland**

- (1) A person duly authorised in writing by the Corporation may, at any reasonable time, enter upon and survey any land in Northern Ireland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.
- (2) Section 40(2) to (5) and (8) of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which contain supplementary provisions relating to the power of entry conferred by subsection (1) of that section) shall have effect in relation to the power conferred by this section as they have effect in relation to the power conferred by the said subsection (1), subject however to the following modifications, namely—
  - (a) that section 40(2) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words " or the presence of minerals therein " were omitted; and
  - (b) that section 40(3)(b) (which requires three days' notice to be given of an intended entry upon occupied land) shall so have effect as if for the word " three " there were substituted the word " twenty-eight ".
- (3) Where, in an exercise of the power conferred by this section any damage is caused to land or to chattels, any person interested in the land or chattels may recover from the Corporation compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, he may recover from the Corporation compensation in respect of the disturbance.
- (4) Section 31 of the said Act of 1965 (which provides for the determination of disputes as to compensation under Part III of that Act) shall apply to any question of disputed compensation under this section.
- (5) This section shall come into operation on the appointed day.

#### **44 Acquisition of land by agreement**

- (1) For the purpose of the acquisition by the Corporation by agreement of land in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27 and section 31 shall apply.
- (2) For the purpose of the acquisition by the Corporation by agreement of land in Scotland, section 109(2) of the Town and Country Planning (Scotland) Act 1972 (incorporation of Lands Clauses Acts) shall, with any necessary modifications, apply for the purposes of this Act as it applies for the purposes of that Act
- (3) For the purpose of the acquisition by the Corporation by agreement of land in Northern Ireland, the Lands Clauses Acts shall be incorporated with this Act except for sections 127 to 133 (sale of superfluous land) and sections 150 and 151 (access to the special Act) of the Lands Clauses Consolidation Act 1845.

#### **45 Miscellaneous provisions relating to land**

- (1) The Chancellor and Council of the Duchy of Lancaster may, if they think fit, agree with the Corporation for the sale, and absolutely make sale, for such sum of money as appears to them to be sufficient consideration for the same, of any land belonging to

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Her Majesty in right of the Duchy of Lancaster which the Corporation seeks to acquire in exercise of the power conferred on it by virtue of section 2(3)(e).

- (2) A person dealing with the Corporation in respect of land shall not be bound or entitled to inquire whether the consent of the Treasury to any previous dealing with the land was requisite or whether, if it was, it was given.
- (3) Land vested in the Corporation by virtue of this Part shall be deemed for all purposes to have been acquired by it for the purposes of its undertaking.