SCHEDULES

[F1SCHEDULE A1

Section 12

COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN GENERAL VESTING DECLARATION

Textual Amendments

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F1 Sch. A1 inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 18 para. 6; S.I. 2017/75, reg. 3(k) (with reg. 5)

Modifications etc. (not altering text)

- C1 Sch. A1 excluded by 2017 c. 7, s. 7(2) (as amended) (24.2.2017) by High Speed Rail (London West Midlands) Act 2017 (c. 7), s. 70(2), Sch. 14 para. 2; S.I. 2017/209, reg. 2
- C2 Sch. A1 excluded by 2017 c. 7, s. 8(2) (as amended) (24.2.2017) by High Speed Rail (London West Midlands) Act 2017 (c. 7), s. 70(2), Sch. 14 para. 3; S.I. 2017/209, reg. 2
- C3 Sch. A1 excluded (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, 22(3) (with arts. 22(4), 32(2))
- C4 Sch. A1 excluded (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, 29(3)(b) (with arts. 4, 29(4), 37)
- C5 Sch. A1 excluded (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **30(3)(b)** (with arts. 30(4), 58, 59)
- C6 Sch. A1 excluded (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, 21(4)(b) (with arts. 24(8), 33(2))
- C7 Sch. A1 excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **27(4)** (b) (with art. 27(5))
- C8 Sch. A1 excluded (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, 22(3)(b) (with arts. 22(4), 31(2))
- C9 Sch. A1 excluded (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, 27 (with arts. 3(3), 5)
- C10 Sch. A1 excluded (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, 26(3)(b)(4) (with arts. 55, 56)
- C11 Sch. A1 excluded (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, 24(3)(b) (with art. 24(4))
- C12 Sch. A1 excluded (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, 25(3)(b) (with art. 25(4))
- C13 Sch. A1 excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, 25(3)(b) (with art. 25(4))
- C14 Sch. A1 excluded (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1(1), 31(3)(b) (with arts. 3(1), 31(4))
- C15 Sch. A1 excluded (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, 23(3)(b) (with arts. 7, 23(4))
- C16 Sch. A1 excluded (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, 27(3)(b) (with arts. 5, 27(4), 44)
- C17 Sch. A1 excluded (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, 25(3) (b) (with arts. 7, 25(4))

- C18 Sch. A1 excluded (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, 27(4)(b) (with arts. 51, 57)
- C19 Sch. A1 excluded (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, 31(3)(b) (with arts. 31(4), 37)
- C20 Sch. A1 excluded (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, 27(3)(b) (with arts. 5, 27(4), 44)
- C21 Sch. A1 excluded (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, 21(3) (b) (with arts. 21(4), 37)
- C22 Sch. A1 excluded (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, 27(3)(b) (with arts. 5, 27(4))
- C23 Sch. A1 excluded (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, 24(3)(b) (with art. 24(4), Sch. 9 para. 144)
- C24 Sch. A1 excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, 33(4)(b) (with art. 33(5))
- C25 Sch. A1 excluded (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, 28(3)(b) (with arts. 28(4), 32, Sch. 9 para. 36)
- C26 Sch. A1 excluded (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, 23(3) (with arts. 23(4), 40, 41, Sch. 9 Pt. 5 para. 18)
- C27 Sch. A1 excluded (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, 30(3)(b) (with arts. 5, 30(4), Sch. 27 para. 36)
- C28 Sch. A1 excluded (11.2.2021) by High Speed Rail (West Midlands Crewe) Act 2021 (c. 2), ss. 7(2) (b), 64(1) (with s. 7(3))
- C29 Sch. A1 excluded (11.2.2021) by High Speed Rail (West Midlands Crewe) Act 2021 (c. 2), ss. 6(2) (b), 64(1)
- C30 Sch. A1 excluded (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, 31(3)(b) (with arts. 4, 31(4), 47)
- C31 Sch. A1 excluded (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, 26(3)(b) (with arts. 15, 50, Sch. 11 para. 29)
- C32 Sch. A1 excluded (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, 24(3)(b) (with arts. 41, 42, Sch. 17 para. 66)
- C33 Sch. A1 excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, 24(3)(b) (with arts. 24(4), 41, 42, Sch. 16)
- C34 Sch. A1 excluded (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, 25(b) (with Sch. 8 Pt. 6 para. 19)
- C35 Sch. A1 excluded (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, 35 (with art. 55)
- C36 Sch. A1 excluded (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), 24(3)(b) (with arts. 40, 41)
- C37 Sch. A1 excluded (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), 24(3)(b) (with arts. 24(4), 40, 41)
- C38 Sch. A1 excluded (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, 27(3)(b) (with art. 27(4))
- C39 Sch. A1 excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, 30(3)(b) (with arts. 6, 30(4), 34)
- C40 Sch. A1 excluded (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, 32(3)(b) (with arts. 5, 32(4), 36)
- C41 Sch. A1 excluded (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, 32(3)(b) (with arts. 4, 32(4), 50)
- C42 Sch. A1 excluded (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, 35 (with arts. 35(4), 62, 76, 87)
- C43 Sch. A1 excluded (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, 31(3)(b) (with arts. 4, 31(4), 53)

- C44 Sch. A1 excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, 35(3)(b)
- C45 Sch. A1 excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, 30-32 (with art. 46(2), Sch. 19 para. 61)
- C46 Sch. A1 excluded (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, 32(3) (with arts. 4, 52, Sch. 9 para. 82)
- C47 Sch. A1 excluded (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, 31(3)(b) (with arts. 31(4), 51)
- C48 Sch. A1 excluded (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, 29(3)(b) (with arts. 5, 29(4))
- **C49** Sch. A1 excluded (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **32(3)** (with arts. 4, 32(4))
- **C50** Sch. A1 excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **32(3)** (with arts. 4, 50)
- C51 Sch. A1 excluded (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, 24(3)(b) (with arts. 24(4), 32, Sch. 10 paras. 26(2), 68)
- C52 Sch. A1 excluded (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, 23(3) (with art. 23(4))
- **C53** Sch. A1 excluded (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **32(3)(b)** (with arts. 5, 32(4), 53, Sch. 8 paras. 6, 64)
- **C54** Sch. A1 excluded (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **25(3)** (with arts. 25(4), 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4)
- C55 Sch. A1 excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, 27(4) (with arts. 6(2), 18, 27(5), Sch. 11 paras. 5, 30)
- **C56** Sch. A1 excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **31(3)** (with arts. 4, 31(4), 45, Sch. 9 paras. 6, 46, 54(1))
- C57 Sch. A1 excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, 24
- C58 Sch. A1 excluded (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, 22(3) (with arts. 22(4), 43, Sch. 12 paras. 5, 24)
- **C59** Sch. A1 excluded (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **38(3)** (with arts. 4, 38(4), 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

PART 1

COUNTER-NOTICE REQUIRING PURCHASE OF ADDITIONAL LAND

- 1 (1) This Schedule applies where an acquiring authority have executed a general vesting declaration in respect of part only of a house, building or factory.
 - (2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).
- A person able to sell the whole of the house, building or factory ("the owner") may serve a counter-notice requiring the authority to purchase the owner's interest in the whole.
- A counter-notice under paragraph 2 must be served before the end of the period of 28 days beginning with the day the owner first had knowledge of the general vesting declaration.

In a case where this Schedule applies by virtue of a general vesting declaration executed after a counter-notice has been served under paragraph 4 or 17 of Schedule 2A to the Compulsory Purchase Act 1965, that counter-notice is to have effect as a counter-notice served under this Schedule.

5 [In this Schedule—

"additional land" means the part of the house, building or factory not specified in the general vesting declaration;

"house" includes any park or garden belonging to a house;

"land proposed to be acquired" means the part of the house, building or factory specified in the general vesting declaration;

"notice to treat" means a notice to treat deemed to have been served under section 7(1);

"original vesting date" is [F3, subject to sub-paragraph (2)] the first day after the end of the period specified in the general vesting declaration in accordance with section 4(1).

[If an agreement under section 8A is in force in respect of the interest which gives the F4(2) owner the ability to sell the land proposed to be acquired, the "original vesting date" is the date on which the interest is to vest as a result of the agreement.]

Textual Amendments

- F2 Words in Sch. A1 para. 5 renumbered as Sch. A1 para. 5(1) (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 186(6)(a), 255(7) (with s. 247); S.I. 2024/92, reg. 2(m) (with reg. 6(2))
- F3 Words in Sch. A1 para. 5(1) inserted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 186(6)(b), 255(7) (with s. 247); S.I. 2024/92, reg. 2(m) (with reg. 6(2))
- F4 Sch. A1 para. 5(2) inserted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 186(6) (c), 255(7) (with s. 247); S.I. 2024/92, reg. 2(m) (with reg. 6(2))

PART 2

CONSEQUENCES OF COUNTER-NOTICE

Acquiring authority must respond to counter-notice within three months

- 6 (1) On receiving a counter-notice the acquiring authority must decide whether to—
 - (a) withdraw the notice to treat in relation to the land proposed to be acquired,
 - (b) accept the counter-notice, or
 - (c) refer the counter-notice to the Upper Tribunal.
 - (2) But the acquiring authority may not decide to withdraw the notice to treat if the counter-notice was served on or after the original vesting date.
- The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served ("the decision period").
- If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

- 9 (1) This paragraph applies if the acquiring authority do not serve notice of a decision within the decision period.
 - (2) If the counter-notice was served before the original vesting date, the authority are to be treated as if they had served notice of a decision to withdraw the notice to treat in relation to the land proposed to be acquired.
 - (3) If the counter-notice was served on or after the original vesting date, they are to be treated as if they had served notice of a decision to accept it.

No vesting if notice to treat withdrawn

If the acquiring authority serve notice of a decision to withdraw the notice to treat in relation to the land proposed to be acquired the general vesting declaration is to have effect as if it did not include that land.

Effects of accepting counter-notice

- 11 (1) This paragraph applies where the acquiring authority serve notice of a decision to accept the counter-notice.
 - (2) The general vesting declaration and the notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the additional land as well as in the land proposed to be acquired.
 - (3) The authority must serve on the owner a notice specifying the vesting date or dates for—
 - (a) the land proposed to be acquired (if the counter-notice was served before the original vesting date), and
 - (b) the additional land.
 - (4) The new vesting date for the land proposed to be acquired must not be before the original vesting date.
 - (5) The vesting date for the additional land must be after the period of 3 months beginning with the day on which the notice under sub-paragraph (3) is served.

Effects of referring counter-notice to the Upper Tribunal

- 12 (1) This paragraph applies where—
 - (a) the acquiring authority refer the counter-notice to the Upper Tribunal, and
 - (b) the counter-notice was served before the original vesting date.
 - (2) At any time before the Upper Tribunal make a determination under paragraph 14, the acquiring authority may serve notice on the owner specifying a new vesting date for the land proposed to be acquired.
 - (3) The new vesting date for the land proposed to be acquired must not be before the original vesting date.

PART 3

DETERMINATION BY THE UPPER TRIBUNAL

Introduction

This Part applies where, in accordance with paragraph 8, the acquiring authority refer a counter-notice to the Upper Tribunal.

Role of the Upper Tribunal

- 14 (1) The Upper Tribunal must determine whether the severance of the land proposed to be acquired would—
 - (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
 - (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.
 - (2) In making its determination, the Upper Tribunal must take into account—
 - (a) the effect of the severance,
 - (b) the proposed use of the land proposed to be acquired, and
 - (c) if that land is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.
- If the Upper Tribunal determines that the severance of the land proposed to be acquired would have either of the consequences described in paragraph 14(1) it must determine how much of the additional land the acquiring authority ought to be required to take in addition to the land proposed to be acquired.

Effect of determination that more land should be acquired

- 16 (1) This paragraph applies where the Upper Tribunal specifies in its determination that the acquiring authority ought to be required to take the whole or part of the additional land ("the specified land").
 - (2) The general vesting declaration and any notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the specified land.
 - (3) The Upper Tribunal must order a vesting date for—
 - (a) the specified land, and
 - (b) any land proposed to be acquired which has not vested in the authority and for which no vesting date has been specified under paragraph 12.
 - [If the vesting date for the specified land is after the vesting date for any land proposed F5(4) to be acquired, the Upper Tribunal's power to award compensation under section 7 of the Compulsory Purchase Act 1965 includes power to award compensation for any loss suffered by the owner by reason of the temporary severance of the land proposed to be acquired from the specified land.]

Textual Amendments

F5 Sch. A1 para. 16(4) inserted (19.7.2017) by Neighbourhood Planning Act 2017 (c. 20), ss. 41, 46(1); S.I. 2017/767, reg. 2(j)

Withdrawal of notice to treat following determination

- 17 (1) This paragraph applies where—
 - (a) the Upper Tribunal has specified in its determination that the acquiring authority ought to be required to take the whole or part of the additional land ("the specified land"), and
 - (b) the vesting date in relation to the land proposed to be acquired has not passed, and
 - (c) the vesting date in relation to the specified land has not passed.
 - (2) The acquiring authority may, within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination, withdraw the notice to treat in relation to the land proposed to be acquired together with the specified land.
 - (3) If the acquiring authority withdraws the notice to treat, the general vesting declaration is to have effect as if it did not include that land.
 - (4) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.
 - (5) Any dispute as to the compensation is to be determined by the Upper Tribunal.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Compulsory Purchase (Vesting Declarations) Act 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to:

- Sch. A1 excluded by S.I. 2020/1297 art. 27(4)(b) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport Case No. CO/4844/2020))
- Sch. A1 excluded by S.I. 2021/51 art. 31(3)(b) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice Planning Court The Queen (on the application of Mair Bain) v. Secretary of State for Transport Case No. CO/642/2021).)
- Sch. A1 excluded by S.I. 2024/174 art. 28(3)
- Sch. A1 excluded by S.I. 2024/230 art. 26(3)
- Sch. A1 excluded by S.I. 2024/360 art. 27(3)
- Sch. A1 excluded by S.I. 2024/393 art. 34(3)
- Sch. A1 excluded by S.I. 2024/436 art. 31(4)
- Sch. A1 excluded by S.I. 2024/564 art. 22(4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2020/1297 art. 26 (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport Case No. CO/4844/2020))
- Act applied (with modifications) by S.I. 2021/51 art. 30 (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice Planning Court The Queen (on the application of Mair Bain) v. Secretary of State for Transport Case No. CO/642/2021).)
- Act applied (with modifications) by S.I. 2024/174 art. 27
- Act applied (with modifications) by S.I. 2024/230 art. 29
- Act applied (with modifications) by S.I. 2024/360 art. 26
- Act applied (with modifications) by S.I. 2024/393 art. 33
- Act applied (with modifications) by S.I. 2024/436 art. 30
- Act applied (with modifications) by S.I. 2024/526 art. 20
- Act applied (with modifications) by S.I. 2024/564 art. 21