



Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 2

COMPULSORY PURCHASE ETC

CHAPTER 1

TEMPORARY POSSESSION OF LAND

26 Consequential amendments

- (1) The Town and Country Planning Act 1990 is amended in accordance with subsections (2) to (7).
- (2) In section 150 (notices requiring purchase of blighted land), in subsection (1)(b), for “or paragraph 24” substitute “, paragraph 24 or paragraph 24A ”.
- (3) In section 151 (counter-notice objecting to blight notices)—
 - (a) in subsection (4)(b), after “to acquire” insert “ or (in the case of land to which paragraph 24A of Schedule 13 applies) take temporary possession of”, and
 - (b) in subsection (8), for “to acquire that land” substitute “ to acquire or (in the case of land to which paragraph 24A of Schedule 13 applies) to take temporary possession of that land ”.
- (4) In section 155 (effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire)—
 - (a) in the heading, after “acquire” insert “ etc. ”, and
 - (b) in subsection (2)—
 - (i) in paragraph (a), after “appropriate enactment” insert “ , or, in a case to which paragraph 24A of Schedule 13 applies, the temporary possession of land has been authorised by the appropriate enactment, ”,

Changes to legislation: There are currently no known outstanding effects for the Neighbourhood Planning Act 2017, Section 26. (See end of Document for details)

- (ii) in the closing words, after “that order” insert “ or appropriate enactment, ”, and
 - (iii) after “claimant in” insert “ , or the temporary possession of, ”.
- (5) In section 169 (meaning of “appropriate authority” in relation to blighted land), in subsection (1)—
 - (a) the words from “by whom” to the end become paragraph (a), and
 - (b) after that paragraph insert “ , or
 - (b) which is authorised to take temporary possession of the land as mentioned in paragraph 24A of Schedule 13.”
- (6) In section 170 (meaning of “appropriate enactment” in relation to blighted land), after subsection (8B) insert—

“(8BA) In relation to land falling within paragraph 24A of that Schedule “the appropriate enactment” is the instrument mentioned in section 19(2) of the Neighbourhood Planning Act 2017 (procedure for authorising temporary possession etc.) under which the acquiring authority mentioned in section 18(1) of that Act (power to take temporary possession of land) is authorised to take temporary possession of the land.”
- (7) In Schedule 13 (list of categories of land which are blighted land as a result of planning proposals etc. by public authorities), after paragraph 24 insert—

“24A Land the temporary possession of which is authorised by virtue of section 18(2) of the Neighbourhood Planning Act 2017.”
- (8) In section 172 of the Housing and Planning Act 2016 (right to enter and survey land in connection with proposal to acquire land etc.)—
 - (a) in subsection (1)—
 - (i) the words from “to” to the end become paragraph (a), and
 - (ii) after paragraph (a) insert “ , or
 - (b) take temporary possession of land compulsorily under section 18(2) of the Neighbourhood Planning Act 2017.”” and
 - (b) in subsection (6) for the words from “acquiring authority” to the end of the subsection substitute “—
 - (a) “acquiring authority” means a person who could be authorised to acquire compulsorily the land to which the proposal mentioned in subsection (1) relates (regardless of whether the proposal is to acquire an interest in or a right over the land or to take temporary possession of it), and
 - (b) “owner” has the meaning given in section 7 of the Acquisition of Land Act 1981.”

Commencement Information

II S. 26(8)(b) in force at 22.9.2017 by [S.I. 2017/936](#), [reg. 3\(a\)](#) (with [reg. 5](#))

Changes to legislation:

There are currently no known outstanding effects for the Neighbourhood Planning Act 2017, Section 26.