



Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 2

COMPULSORY PURCHASE ETC

CHAPTER 2

OTHER PROVISIONS RELATING TO COMPULSORY PURCHASE

37 Overriding easements: land held on behalf of GLA or TfL

- (1) The Housing and Planning Act 2016 is amended in accordance with subsections (2) to (4).
- (2) In section 203 (power to override easements and other rights)—
 - (a) in the opening words of subsection (2)(b), for “13 July 2016” substitute “the relevant day”,
 - (b) in subsection (2)(b)(i), after “specified authority” insert “or a specified company acting on behalf of a specified authority”,
 - (c) in the opening words of subsection (5)(b), for “13 July 2016” substitute “the relevant day”, and
 - (d) in subsection (5)(b)(i), after “specified authority” insert “or a specified company acting on behalf of a specified authority”.
- (3) In section 204 (compensation for overridden easements), for subsection (4) substitute—
 - (4) The authority against which a liability is enforceable by virtue of subsection (3)(a) is—
 - (a) where the land to which the compensation relates was vested in or acquired by a company through which the Greater London Authority exercises or has exercised functions in relation to housing or regeneration, the Greater London Authority,

Status: This is the original version (as it was originally enacted).

- (b) where the land was vested in or acquired by a company through which Transport for London exercises or has exercised any of its functions, Transport for London, or
 - (c) in all other cases, the specified or qualifying authority in which the land was vested, or by which the land was acquired or appropriated.”
- (4) In section 205 (interpretation of sections 203 and 204)—
- (a) in the definition of “other qualifying land”, in the opening words of paragraph (g), after “regeneration,” insert “or vested in or acquired by a company or body through which the Greater London Authority exercises functions in relation to housing or regeneration,”,
 - (b) in the definition of “qualifying authority”—
 - (i) for the words from “authority in” to “or which” substitute “person in whom the land was vested, or who”, and
 - (ii) at the end insert “(but, for the purposes of section 203(3)(c) and (6)(c), where that person is a company or body through which the Greater London Authority exercises functions in relation to housing or regeneration, the qualifying authority is the Greater London Authority)”,
 - (c) after the definition of “qualifying authority” insert—
 - ““relevant day” means—
 - (a) in relation to a specified company which is a company or body through which Transport for London exercises any of its functions, the day on which section 37 of the Neighbourhood Planning Act 2017 comes into force, and
 - (b) in all other cases, 13 July 2016.”, and
 - (d) after the definition of “specified authority” insert—
 - ““specified company” means—
 - (a) a company or body through which the Greater London Authority exercises functions in relation to housing or regeneration, or
 - (b) a company or body through which Transport for London exercises any of its functions;”.
- (5) In the Housing and Planning Act 2016 (Commencement No. 2, Transitional Provisions and Savings) Regulations 2016 ([S.I. 2016/733](#)), the following regulations are revoked—
- (a) regulation 10 (savings in relation to company through which Greater London Authority exercises functions), and
 - (b) regulation 12(3) (substitution of actual date for reference to commencement date).