



Town and Country Planning Act 1962

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PART V

ACQUISITION AND APPROPRIATION OF LAND AND PROVISIONS RELATED THERETO

Acquisition and appropriation of land

67 Compulsory acquisition of designated land

- (1) Where any land is designated by a development plan as subject to compulsory acquisition by a Minister or local authority or by statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.
- (2) The compulsory acquisition of land under this section may be authorised—
 - (a) in the case of land designated by a development plan as subject to acquisition by a Minister, by that Minister ;
 - (b) in the case of land so designated as subject to acquisition by a local authority, by the Minister concerned with the functions in question ;
 - (c) in the case of land so designated as subject to acquisition by statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers.
- (3) 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;
 - (b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers ; and
 - (c) as if references therein to the Minister of Transport, and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act, included respectively references to any Minister and to the provisions of this section.

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68 Compulsory acquisition of land for development

- (1) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority, then if the Minister is satisfied—
 - (a) in the case of land comprised in an area defined by the plan as an area of comprehensive development, or of land contiguous or adjacent to any such area, that the land is required in order to secure the development or redevelopment of that area or that it is expedient in the public interest that the land should be held together with land so required, or
 - (b) in any other case, that it is necessary that the land should be acquired under this section for the purpose of securing its use in the manner proposed by the plan, he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.
- (2) Where under the preceding subsection the Minister has power to authorise the council of a county borough or county district to acquire any land compulsorily, he may, if after consultation with that council, and, in the case of land in a county, with the council of that county, he thinks it expedient to do so, authorise the land to be so acquired by any other local authority instead of that council.
- (3) 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.

69 Compulsory acquisition of building comprised in building preservation order

- (1) Where a building preservation order is in force in respect of a building, and it appears to the Minister that reasonable steps are not being taken for properly preserving the building, the Minister may authorise the council of the county or county borough or county district in which the building is situated to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Minister 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 a building preservation order is in force in respect of a building, and it appears to the Minister of Works that reasonable steps are not being taken for properly preserving the building, that Minister 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 as mentioned in the preceding subsection.
- (3) 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 Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to the Minister of Works and to the provisions of this section.
- (4) 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 to be served under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, apply to a magistrates' court acting for

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the petty sessions area within which the building to which the notice relates is situated for an order staying further proceedings on the compulsory purchase order ; and, if the court is satisfied that reasonable steps are being taken for properly preserving the building, the court shall make an order accordingly.

- (5) Any person aggrieved by the decision of a magistrates' court on an application under the last preceding subsection may appeal against that decision to a court of quarter sessions.
- (6) Where a building is acquired under the provisions of subsection (1) of this section, the council of the county or county borough or county district by whom the building is acquired shall observe the provisions of the building preservation order relating to that building.

70 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) The preceding subsection 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 the last preceding subsection, 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.

71 Acquisition of land by agreement

- (1) The council of any county, county borough or county district may acquire by agreement—
 - (a) any land (whether or not being land designated by a development plan as subject to compulsory acquisition) which they require for any purpose for which a local authority may be authorised to acquire land under section sixty-eight of this Act;
 - (b) any building in respect of which a building preservation order has been or could be made by the local planning authority, and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for the purposes specified in subsection (1) of section sixty-nine of this Act.

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- (2) The powers conferred by the preceding subsection shall not be exercisable by a council except with the consent of the Minister, 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,
- and shall not be exercisable except with the consent of the Minister in respect of corporate land.
- (3) The Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section; and in construing those Acts as so incorporated—
- (a) this section shall be deemed to be the special Act, and
 - (b) references to the promoters of the undertaking shall be construed as references to the council authorised to acquire the land under this section.

72 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 the next following section, 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.

73 Appropriation of land for planning purposes

- (1) Any local authority may be authorised, by an order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan (being a 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 the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes 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 one hundred and sixty-three of the Local Government Act, 1933 (which contains 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

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appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, 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
 - (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, or
 - (c) the land, immediately before it was appropriated, was corporate land,
- there shall be made in the accounts of the local authority such adjustments as the Minister may direct.
- (6) On an appropriation under this section which does not fall within the last preceding subsection, there shall be made such adjustment of accounts as is required by subsection (1) of section twenty-four of the Act of 1959.