



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VIII

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

Interests of owner-occupiers affected by planning proposals

148 “Appropriate enactment” for purposes of these provisions

- (1) Subject to the following provisions of this section, in these provisions “the appropriate enactment”, relation to land falling within any of the specified descriptions, means the enactment which provides for the compulsory acquisition of land as being land falling within that description.
- (2) In relation to land falling within the description contained in paragraph (b) of subsection (1) of section one hundred and thirty-eight of this Act an enactment shall, for the purposes of the preceding subsection, be taken to be an enactment which provides for the compulsory acquisition of land as being land falling within that description if—
 - (a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed, or
 - (b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.
- (3) Where, in accordance with the circumstances by virtue of which any land falls within any of the specified descriptions, it is indicated that the land is proposed to be acquired for highway purposes, any enactment under which a highway authority are or (subject to the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for highway purposes shall, for the purposes of subsection (1) of this

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section, be taken to be an enactment providing for the compulsory acquisition of that land as being land falling within the description in question.

- (4) In the last preceding subsection the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question, that is to say.—
- (a) the coming into operation of any requisite order under the provisions of Part II of the Highways Act, 1959, relating to trunk roads ;
 - (b) the coming into operation of any requisite scheme or order under the provisions of the said Part II relating to special roads;
 - (c) the making or approval of any requisite plans.
- (5) If, apart from this subsection, two or more enactments would be the appropriate enactment in relation to any land for the purposes of these provisions, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from these provisions) the land would have been acquired by the appropriate authority.
- (6) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of these provisions, that question shall be referred—
- (a) where the appropriate authority are a government department, to the Minister or Board in charge of that department;
 - (b) where the appropriate authority are a local highway authority, to the Minister of Transport;
 - (c) where the appropriate authority are statutory undertakers, to the appropriate Minister ; and
 - (d) in any other case, to the Minister,
- and the decision of the Minister or Board to whom a question is referred under this subsection shall be final.