

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1948 (repealed 1.12.1991), SCHEDULE. (See end of Document for details)*

[<sup>F1</sup>SCHEDULE

Section 3.

ORDERS UNDER S. 23 OR S. 9 OF PRINCIPAL ACT  
AUTHORISING COMPULSORY ACQUISITION OF LAND]

**Textual Amendments**

**F1** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), Sch. 27, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**Textual Amendments applied to the whole legislation**

**F1** The outstanding provisions of this Act were repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3, 4(2), Sch. 3 (with s. 2, Sch. 2 paras. 10, 14(1), 15)

[<sup>F2</sup> . . . <sup>F3</sup> the enactments relating to the compensation payable in respect of the compulsory acquisition of land shall apply accordingly subject to the exceptions and modifications specified in Parts . . . <sup>F3</sup>III of the Second Schedule to the Act of 1946, and to such other exceptions and modifications (if any) as may be specified in the order:

..... <sup>F3</sup>]

**Textual Amendments**

**F2** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), Sch. 27, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F3** Words and para. 1 proviso repealed by Compulsory Purchase Act 1965 (c. 56), s. 39(4), Sch. 8

[<sup>F4</sup> (1) A copy of the notice of the order required by paragraph 2 or paragraph 11 of the First Schedule to the principal Act to be published shall be served in accordance with the provisions of paragraph 3 or paragraph 12 of that Schedule on every owner, lessee and occupier (except tenants for a month or for any period less than a month) of any land authorised by the draft order to be compulsorily acquired.

(2) Where any such land as aforesaid is ecclesiastical property (that is to say land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction) a copy of the notice aforesaid shall also be served as aforesaid on [<sup>F5</sup>the Church Commissioners].]

**Textual Amendments**

**F4** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), Sch. 27, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F5** Words substituted by virtue of Church Commissioners Measure 1947 (No. 2), s. 18(2)

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- [<sup>F6</sup>3] Where any such objection as is mentioned in paragraph 7 or paragraph 16 of the First Schedule to the principal Act relates to the compulsory acquisition of land, the Minister may require the objector to state in writing the grounds thereof, and if it is certified by the Minister that the objection relates exclusively to matters that can be dealt with by the tribunal by whom compensation for the compulsory acquisition is to be assessed—
- (a) the Minister may disregard the objection for the purposes of the said paragraph 7 or paragraph 16, as the case may be; and
  - (b) where paragraph 8 or paragraph 17 of the said First Schedule applies to the order, the objection shall be disregarded for the purposes of that paragraph.]

**Textual Amendments**

- F6** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 190(3), 194(3), [Sch. 27, Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

- [<sup>F7</sup>4] Notwithstanding anything in paragraph 6 or paragraph 15 of the First Schedule to the principal Act, the order as made by the Minister shall not, unless all persons interested consent, authorise the undertakers to acquire compulsorily any land which they would not have been so authorised to acquire if it had been made in terms of the draft submitted to or prepared by him.]

**Textual Amendments**

- F7** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 190(3), 194(3), [Sch. 27, Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

- [<sup>F8</sup>5] Subject as hereinafter provided, Part III of the First Schedule to the Act of 1946 (which makes special provision with respect to land of local authorities and statutory undertakers, common land, inalienable land of the National Trust and ancient monuments) shall apply to the order, whether or not the undertakers are a local authority within the meaning of that Act, as it applies to a compulsory purchase order:

Provided that—

- (a) nothing in this paragraph shall be construed as authorising the compulsory acquisition by undertakers not being such a local authority as aforesaid of any such land as is mentioned in subsection (6) of section twenty-four of the principal Act; and
- (b) where paragraph 8 or paragraph 17 of the First Schedule to the principal Act applies to the order, this paragraph shall have effect as if for the reference to Part III of the First Schedule to the Act of 1946 there were substituted a reference to paragraph 10 of the last-mentioned Schedule.]

**Textual Amendments**

- F8** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 190(3), 194(3), [Sch. 27, Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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[<sup>F9</sup>6 As soon as may be after the order has been made, the undertakers shall publish in one or more local newspapers circulating in the locality in which the land authorised to be acquired is situated a notice describing the land and stating that the order has been made authorising the undertakers to acquire it compulsorily, and naming a place where a copy of the order as made may be inspected at all reasonable hours; and shall serve a like notice and copy of the order on any persons on whom notices with respect to the land were required to be served by virtue of paragraph 2 of this Schedule.]

**Textual Amendments**

**F9** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), Sch. 27, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

[<sup>F10</sup>7 Part IV of the First Schedule to the Act of 1946 (which relates to the validity and date of operation of compulsory purchase orders under that Act) shall apply to the order as if it were a compulsory purchase order and as if this Act were included among the enactments specified in subsection (1) of section one of that Act; and subparagraph (1) of paragraph 15 of that Schedule shall have effect accordingly, in relation to the order, as if for the words “this Act”, in the third place where those words occur, there were substituted the words “the Schedule to the Water Act 1948”, and as if after the words “this Schedule”, in the second place where those words occur, there were inserted the words “or the Schedule to the Water Act, 1948”:  
Provided that nothing in this paragraph shall prohibit or restrict the taking of legal proceedings for questioning the order so far as it relates to matters other than the compulsory acquisition of land.]

**Textual Amendments**

**F10** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), Sch. 27, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

[<sup>F11</sup>8 (1) In this Schedule the expression “the Act of 1946” means the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) Act 1946 and the expression “the undertakers” means the persons authorised by the order to acquire land compulsorily.

(2) ..... <sup>F12</sup>]

**Textual Amendments**

**F11** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), Sch. 27, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F12** Sch. para. 8(2) repealed by Compulsory Purchase Act 1965 (c. 56), s. 39(4), Sch. 8 Pt. I

**Marginal Citations**

**M1** 1946 c. 49.

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