# Acquisition of Land (Authorisation Procedure) Act 1946

**1946 CHAPTER 49 9 and 10 Geo 6**

E+W+S

An Act to amend the law as to the authorisation of the compulsory purchase of land for purposes for which the purchasing authority has power to purchase land compulsorily under existing enactments; to make temporary provision as to the procedure for the compulsory purchase of land as aforesaid in urgent cases; to provide for notifying purchases of war-damaged land to the War Damage Commission; and for purposes connected with the matters aforesaid. [18th April 1946]

**Modifications etc. (not altering text)**

**C1** Act except s. 6(1), Sch. 4 repealed (S.) by Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42), s. 8, **Sch. 5**

**C2** Power to extend Act to Northern Ireland conferred by Atomic Energy Authority Act 1954 (c. 32), **s. 9(3)**

**C3** Act extended by Diseases of Animals Act 1950 (c. 36), **s. 62(4)**, Police Act 1964 (c. 48), **s. 9(3)**, Post Office Act 1969 (c. 48), s. 76, **Sch. 4 para. 93(1)** and Civil Aviation Act 1971 (c. 75), s. 18(1), **Sch. 5 para. 5(b)**; applied by Acts listed in Chronological Table of the Statutes

**C4** Functions of Minister of Health of confirming certain compulsory purchase orders made under this Act now exercisable by Secretary of State; S.I. 1948/340 (Rev. XV, p. 207: 1948 I, p. 1970), 1953/1204 (1953 I, p. 1225), 1959/1768 (1959 I, p. 1793) and 1970/1681)

**C5** Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

**C6** Act except ss. 6(1), 10 and Sch. 4 repealed (E.W.) with saving for s. 3 by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

**Commencement Information**

**I1** Act wholly in force at Royal Assent.

**1** E+W+S

(1) . . . . . F1

(4) (a) . . . . . F1
(b) . . . . . F2
(c) . . . . . F3

(5) . . . . . F1

(6) . . . . . F4

**Textual Amendments**

**F1** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

**F2** s. 1(4)(*b*) repealed by Housing Act 1957 (c. 56), **Sch. 11**

**F3** S. 1(4)(*c*) repealed by Town and Country Planning Act 1947 (c. 51), **Sch. 9 Pt. II**

**F4** Ss. 1(6), 2 repealed by Statute Law Revision Act 1953 (c. 5)

**2** . . . . . F5 E+W+S

**Textual Amendments**

**F5** Ss. 1(6), 2 repealed by Statute Law Revision Act 1953 (c. 5)

**3** . . . . . F6 E+W+S

**Textual Amendments**

**F6** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

**4** . . . . . F7 E+W+S

**Textual Amendments**

**F7** S. 4 repealed by War Damage Act 1964 (c. 25), s. 9, **Sch. 3 Pt. II**

**5** . . . . . F8 E+W+S

**Textual Amendments**

**F8** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## 6 Minor and consequential amendments. E+W+S

(1) The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments or amendments consequential on the passing of this Act.

(2) . . . . . F9

**Textual Amendments**

**F9** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## 7, 8. . . . . F10 E+W+S

**Textual Amendments**

**F10** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## 9 . . . . . F11 E+W+S

**Textual Amendments**

**F11** S. 9 repealed by Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42), **Sch. 5**

## 10 †Short title, repeals and saving. E+W+S

(1) This Act may be cited as the Acquisition of Land (Authorisation Procedure) Act, 1946.

(2) This Act shall not extend to Northern Ireland.

(3) . . . . . F12

(4) . . . . . F13

**Textual Amendments**

**F12** S. 10(3) repealed by Statute Law Revision Act 1950 ( 14 Geo 6. c.6)

**F13** S. 10(4) repealed by Statute Law Revision Act 1953 (c. 5)

**Modifications etc. (not altering text)**

**C7** A dagger appended to a marginal note means that it is no longer accurate

# SCHEDULES

## FIRST SCHEDULE E+W+S

## PROCEDURE FOR AUTHORISING COMPULSORY PURCHASES

### PART I E+W+S

1—6. . . . . F14

**Textual Amendments**

**F14** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

### PART II E+W+S

7 . . . . . F15

**Textual Amendments**

**F15** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

### PART III E+W+S

8—14. . . . . F16

**Textual Amendments**

**F16** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

### PART IV E+W+S

15 (1) . . . . . F17

(2) . . . . . F18

**Textual Amendments**

**F17** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

**F18** Sch. 1 para. 15(2) repealed by Town and Country Planning Act 1947 (c. 51), **Sch. 9 Pt. II**

16, 17. . . . . **F19**

**Textual Amendments**

**F19** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## PART V E+W+S

18, 19. . . . . **F20**

**Textual Amendments**

**F20** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

Section 1.

# SECOND SCHEDULE E+W+S

## INCORPORATION OF ENACTMENTS

## PART I E+W+S

1 (a) . . . . . **F21**

(b) . . . . . **F22**

**Textual Amendments**

**F21** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

**F22** Sch. 2 Pt. I (except para. 1(*a*) repealed by Compulsory Purchase Act 1965 (c. 56), **Sch. 8 Pt. I**

2—6. . . . . **F23**

**Textual Amendments**

**F23** Sch. 2 Pt. I (except para. 1(*a*) repealed by Compulsory Purchase Act 1965 (c. 56), **Sch. 8 Pt. I**

## PART II E+W+S

7 . . . . . **F24**

**Textual Amendments**

**F24** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## PART III E+W+S

8 . . . . . F25

**Textual Amendments**

**F25** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## PART IV E+W+S

9 . . . . . F26

**Textual Amendments**

**F26** Ss. 1–5, 6(2), (3),7–9, Schs. 1–3 repealed with saving for s. 3 (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 5 para. 7, **Sch. 6**

## F27F27THIRD SCHEDULE E+W+S

**Textual Amendments**

**F27** Sch. 2 Pt. IV, Sch. 3 repealed by Statute Law Revision Act 1953 (c. 5)

. . . . . F27

## X1FOURTH SCHEDULE E+W+S

Section 6.

### MINOR AND CONSEQUENTIAL AMENDMENTS

**Editorial Information**

**X1** The text of Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

| ***Enactment amended*** | ***Amendments*** |
|---|---|
| **F28** | **F28** |
| **F29** | **F29** |
| … | … |
| **F30** | **F30** |
| … | … |
| | **F30** |
| | … |
| The Metropolitan Police Act, 1886 (49 & 50 Vict. c. 22.) | In section two, for the words "purchase and" there shall be substituted the words "purchase by agreement, or if so authorised by the Minister of Health, compulsorily, or".<br><br>In section four, subsections (1) to (10) shall cease to have effect ; and in subsection (11), after the word "Act" there shall be inserted the words "and of the Acquisition of Land (Authorisation Procedure) Act, 1946" ; after the word "shall" where it first occurs there shall be inserted the words "with the necessary modifications," ; and for the words from "save that the provisions" to "Parliament" there shall be substitued the words "and where an order authorising the compulsory purchase under this Act of any such land has come into operation". |
| The Military Lands Act, 1892. (55 & 56 Vict. c. 43.) | In section one, in subsection (3), for the words "and hold" there shall be substituted the words "by agreement or, if so authorised by the Secretary of State, compulsorily"and at the end there shall be added the words ''and may hold land on that behalf'' |
| | Section two shall not apply to compulsory purchases by a local authority. |
| **F31** | **F31** |
| … | … |
| **F30** | **F30** |
| … | … |
| The Public Health (Scotland) Act, 1897. (60 & 61 Vict. c. 38.) | In section one hundred and forty-five, for the words "the following regulations shall be observed" there shall be substituted the words "The provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946 shall have effect" and paragraphs (1) to (15) shall cease to have effect. |
| **F32** | **F32** |
| … | … |

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| The Small Holdings and Allotments Act, 1908. (8 Edw. 7. c. 36) | In section twenty-five, in subsection (1) at the end there shall be added the words "or may purchase such land compulsorily in accordnace with the provisions of this Act and of the Acquisition of Land (Authorisation Procedure) Act, 1946, in that behalf", and subsection (2) shall cease to have effect.<br><br>In section thirty-nine, in subsection (1), for the words from "subject to" to the end of the subsection there shall be substituted the words "be authorised so to do by the Minister of Agriculture and Fisheries", in subsection (3) for the words "this section" there shall be substituted the words "the last foregoing section", and in subsection (4) for the words "under this section" there shall be substituted the words "for the compulsory purchase or hiring of land under this Act".<br><br>In section forty-one, in subsection (1), the words from "or which at that date" to the end shall be omitted.<br><br>In section forty-five, the words from "and the provisions" to the end shall be omitted.<br><br>In the First Schedule, Part I shall cease to have effect in relation to compulsory purchase. |
| **F30**<br><br>… | **F30**<br><br>… |
| The Development and Road Improvement Funds Act, 1909. (9 Edw. 7. c. 47.) | **F33**<br><br>…<br><br>Section nineteen shall cease to have effect. In the Schedule, paragraphs 1 to 4 and 6 and 7 shall cease to have effect, in paragraph 5 after the word "order" there shall be inserted the words "authorising a compulsory purchase under this Act", and in paragraph 8 the words from the first "" to "". |
| The National Insurance Act, 1913 (3 & 4 Geo 5. c. 37.) | In section forty-one, in subsection (1), for the words from "and the provisions" to the end of the subsection there shall be substituted the words " and may be authorised by the Secretary of State to purchase land compulsorily for the said purpose". |
| The Mental Deficiency and Lunacy (Scotland) Act 1913 (3 & 4 Geo. 5. c. 38.) | **F34**<br><br>… |

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| The Education (Scotland) Act 1918 (8 & 9 Geo. 5. c. 48) | **F35**<br>... |
| **F35**<br>... | **F35**<br>... |
| The Land Settlement (Facilities) Act, 1919. (9 & 10 Geo. 5. c. 59.) | In section two, in subsection (1), for the words from the beginning to "entered on land" there shall be substituted the words "Where the council authorised to purchase any land compulsorily under the principal Act have, by virtue of paragraph (3) of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, entered on the land", in subsection (3) for the words "under this section" in the first place in which they occur there shall be substituted the words "given in the circumstances mentioned in subsection (1) of this section, or given under the last foregoing subsection," and the said words in the second place in which they occur shall be omitted. The foregoing amendments shall not affect the application of the said section two in relation to the compulsory hiring of land or to an agreement to hire land.<br>**F36**<br>...<br>Subsections (1) to (3) of section twenty-eight shall not apply to the compulsory purchase of land by a local authority. |
| The Electricity (Supply) Act 1919 ... | **F37**<br>... |
| The Small Holdings and Allotments Act, 1926. (16 & 17 Geo. 5. c. 52.) | In section four, for the words from "a county council" to "such land" there shall be substituted the words "a county council may purchase land (whether situate within or without the county) by agreement or, if so authorised by the Minister, compulsorily, or may take such land on lease by agreement or, if the council are unable to obtain by agreement suitable land for the purpose," and for the word "acquisition" there shall be substituted the word "hiring".<br>In section seventeen, subsection (2) shall cease to have effect. |
| The Land Drainage Act, 1930. (20 & 21 Geo. 5. c. 44.) | In section forty-five, in subsection (2), after the word "authorised" there shall be inserted the words "by the Minister", and the words "by means of" to the end of the subsection |

**Changes to legislation:** *There are currently no known outstanding effects for the Acquisition of Land (Authorisation Procedure) Act 1946. (See end of Document for details)*

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| | shall be omitted, and in subsection (3), the words "or any order made thereunder", and the words from "or which is vested" to the end of the subsection, shall be omitted.<br><br>The Fourth Schedule shall cease to have effect. |
| The Town and Country Planning Act, 1932. (22 & 23 Geo. 5. c. 48.) | F38<br><br>... |
| The Children and Young Persons Act, 1933. (23 Geo. 5. c. 12.) | F39<br><br>... |
| The Local Government Act, 1933. (23 & 24 Geo. 5. c. 51.) | F40<br><br>... |
| the Air Navigation Act 1936 (26 Geo. 5 & 1 Edw. 8. c. 44.) | F41<br><br>... |
| The Public Health Act, 1936. (26 Geo. 5 & 1 Edw. 8. c. 49.) | **[**[F42]In section three hundred and six, for the words from "to purchase" to the beginning of the proviso there shall be substituted the words "by the Minister to purchase the land compulsorily."**]** |
| The Harbours, Piers and Ferries (Scotland) Act, 1937. (1 Edw. 8 & 1 Geo. 6. c. 5) | In section two, in subsection (1), after the word "may" there shall be inserted the words "be authorised by the Secretary of State to ", and the words from "by means of" to the end of the subsection shall be omitted;<br>F30<br><br>... and subsection (3) shall cease to have effect.<br><br>The First Schedule shall cease to have effect. |
| F30<br><br>… | F30<br><br>… |
| F30<br><br>… | F30<br><br>…<br>F30<br><br>... |
| The Air-Raid Precautions Act, 1937. (1 & 2 Geo. 6. c. 6.) | In section five, for the words from "purchase land compulsorily" to the end of the section there shall be substituted the words "be authorised by the Secretary of State to purchase land compulsorily for any of the purposes of this Act".<br><br>In section thirteen, in subsection (9), after the word "acquire" there shall be inserted the words "by agreement or, if so authorised by the Secretary of State, compulsorily" and the |

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| | words from "and where they" to the end of the subsection shall be omitted. |
| The Fire Brigades Act 1938(1 & 2 Geo. 6. c. 72) | F43<br>… |
| The Civil Defence Act, 1939. (2 & 3 Geo. 6. c. 31.) | F44<br>… |
| F44<br>… | F44<br>… |
| F45<br>… | F45<br>… |
| The Housing (Temporary Provisions) Act, 1944. (7 & 8 Geo. 6. c. 33.) | F46<br>… |
| The Housing (Scotland) Act, 1944. (7 & 8 Geo. 6. c. 39.) | F47<br>… |
| | F47<br>… |
| The Water Act 1945. (8 & 9 Geo. 6. c. 42.) | **[**F48In relation to local authorities, the Act shall be amended as follows: In section twenty-four, in subsection (4), the words "by means of a compulsory purchase order made by them and confirmed", and subsections (5) to (9) shall cease to have effect. The Second Schedule shall cease to have effect.**]**<br><br>**[**F48In the Third Schedule, in section 7, in subsection (1), the words "by means of a compulsory purchase order made by the undertakers and confirmed" shall cease to have effect; for the reference to the Second Schedule there shall be substituted a reference to this Act, and the words "order made" shall cease to have effect.**]** |
| F49<br>… | F49<br>… |
| The Water (Scotland) Act, 1946. (9 & 10 Geo 6. c. 42.) | F50<br>… |
| F50<br>… | F50<br>… |

**Textual Amendments**

**F28** Sch. 4: entry repealed (E.W.S.) (26.4.2005) by The Manufacture and Storage of Explosives Regulations 2005 (S.I. 2005/1082), Sch. 5 para. 5, **Sch. 6** (with reg. 3)

**F29** Sch. 4: entry omitted (N.I.) (1.12.2006) by virtue of The Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425), reg. 1, Sch. 6 para. 6, **Sch. 7 Pt. 1** (with reg. 26)

**F30** Sch. 4: entries repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1

**F31** Sch. 4: entry relating to Burgh Police (Scotland) Act 1892 (c.55), **ss. 193**, 315 repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**: and expressed to be repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group 2

**F32** Sch. 4: entry relating to Burgh Police (Scotland) Act 1903 (c.33) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

**F33** Sch. 4: entries relating to the Development and Road Improvement Funds Act 1909 repealed by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), **Sch. 3**

**F34** Sch. 4: entry relating to Mental Deficiency and Lunancy (Scotland) Act 1913 (c.38), **s. 68(2)(3)** repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

**F35** Sch. 4: entry relating to Education (Scotland) Act 1918 (c.48) repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), **Sch. 1 Pt. IX**

**F36** Words repealed by Compulsory Purchase Act 1965 c. 56, s. 39(4), **Sch. 8 Pt. 1**

**F37** Sch. 4: entry relating to Electricity (Supply) Act 1919 repealed by Energy Act 1983 (c. 25, SIF 44:1), **Sch. 4** and by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18**

**F38** Sch. 4: entry relating to Town and Country Planning Act 1932 (c.48) repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), **Sch. 1 Pt. IX**

**F39** Sch. 4: entry relating to Children and Young Persons Act 1933 repealed by Acquisition of Land Act 1981 (c.67, SIF 28:1), **Sch. 6 Pt. II**

**F40** Sch. 4: entry relating to Local Government Act 1933 repealed by Local Government Act 1972 (c.70, SIF 81:1), s. 272(1), **Sch. 30**

**F41** Sch. 4: entry relating to Air Navigation Act 1936 (c.44) repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), **Sch. 1 Pt. IX**

**F42** Sch. 4: entry relating to Public Health Act 1936 (c.49) repealed (E.W.) by Water Act 1989 (c.15, SIF 130), s. 190, **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)

**F43** Sch. 4: entry relating to Fire Brigades Act 1938 (c.72) repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), **Sch. 1 Pt. IX**

**F44** Sch. 4: entry relating to Civil Defence Act 1939 repealed by Statute Law (Repeals) Act 1976 (c.16), **Sch. 1 Pt. V**

**F45** Sch. 4: entry repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt. I, **Sch. 39** (with s. 1(4))

**F46** Sch. 4: entries relating to Housing (Temporary Provisions) Act 1944 (c.33) repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), **Sch. 1 Pt. IX**

**F47** Sch. 4: entry relating to Housing (Scotland) Act 1944 (c.39) repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), **Sch. 1 Pt. IX**

**F48** Sch. 4: entry relating to Water Act 1945 (c.42, SIF 130), repealed (E.W.) by Water Act 1989 (c.15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141, 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)

**F49** Sch. 4: entry relating to Requisitioned Land and War Works Act 1945 (c.43) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**: and entry expressed to be repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Part XIII** Group 1.

**F50** Water (Scotland) Act 1946 repealed by Water (Scotland) Act 1980 (c.45, SIF 130), s. 112(2), **Sch. 11**

## F51F51FIFTH SCHEDULE E+W+S

### Textual Amendments

**F51** Sch. 5 repealed by Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42), **Sch. 5**

. . . . . F51

# F52F52SIXTH SCHEDULE E+W+S

**Textual Amendments**

**F52** Sch. 6 repealed by Statute Law Revision Act 1950 (14 Geo. 6 c. 6)

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**Changes to legislation:**
There are currently no known outstanding effects for the Acquisition of Land (Authorisation Procedure) Act 1946.