

1974 No. 423

ACQUISITION OF LAND

The Compulsory Purchase of Land Regulations 1974

Made - - - - - 12th March 1974
 Coming into Operation 1st April 1974

The Secretary of State for the Environment, in exercise of the powers conferred by paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946(a) and now vested in him(b) and of his powers under section 125(2) of the Local Government Act 1972(c) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Title and commencement

1.—(1) These regulations may be cited as the Compulsory Purchase of Land Regulations 1974 and shall come into operation on 1st April 1974.

(2) The Compulsory Purchase of Land Regulations 1972(d) and these regulations may be cited together as the Compulsory Purchase of Land Regulations 1972 and 1974.

Interpretation

2. The Interpretation Act 1889(e) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Notice of Inquiry

3. The notice under subsection (2) of section 125 of the Local Government Act 1972 of a proposed inquiry by a district council in relation to the compulsory acquisition of land on behalf of a parish or community council under subsection (1) of that section, to be published in the parish or community, shall be published:—

- (a) by affixation in a conspicuous place on or near the land and in one or more places where public notices are usually posted in the locality; and
- (b) by publication in one or more local newspapers circulating in the locality in which the land is situated.

Prescribed forms in connection with compulsory purchase

4. The Compulsory Purchase of Land Regulations 1972 shall be amended as follows:—

- (a) for form 5 set out in the Schedule to those regulations (which comprises the form of notice to owners, lessees and occupiers of land comprised in a

(a) 1946 c. 49.

(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

(c) 1972 c. 70.

(d) S.I. 1972/1313 (1972 II, p. 3979).

(e) 1889 c. 63.

compulsory purchase order made on behalf of a parish council) there shall be substituted the form set out in Part I of the Schedule hereto; and

- (b) at the end of the Schedule to the said regulations there shall be added, as form 11, the form set out in Part II of the Schedule hereto; and that form or a form substantially to the like effect shall be the prescribed form for the purposes of section 125(2) of the Local Government Act 1972 of notice of a proposed inquiry into a proposal to acquire land compulsorily on behalf of a parish or community council.

Revocation

5. The Local Government (Compulsory Purchase) Regulations 1960(a) are hereby revoked.

Regulation 4

SCHEDULE

PART I

“FORM 5

NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF LAND COMPRISED IN A COMPULSORY PURCHASE ORDER MADE ON BEHALF OF A PARISH OR COMMUNITY COUNCIL

THE LOCAL GOVERNMENT ACT 1972

AND

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

[THE..... ACT(S).....(a)]

1. Take notice that the district council of _____, in exercise of their powers under the above Acts, on _____ 19____ made the Compulsory Purchase Order 19____, which is about to be submitted to the Secretary of State for the Environment(b) for confirmation. The order, if confirmed, will authorise the council to purchase compulsorily, on behalf of the parish (community(c)) council of _____ for the purpose of _____ (d), the land described below.

2. A copy of the order and the map referred to therein have been deposited at _____ (e) and may be seen there at all reasonable hours.

3. If no objection is duly made by any of the owners, lessees and occupiers of the land in question, or if all objections so made are withdrawn, or if the Secretary of State is satisfied that the objection relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal, the Secretary of State is required to confirm the order with or without modification.

4. In any other case, the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, confirm the order with or without modifications.

(a) S.I. 1960/2284 (1960 I, p. 65).

5. Any objection to the order must be made in writing to the Secretary of State for the Environment, 2 Marsham Street, London, SW1P 3EB before (f), and should state the grounds of objection.

Description of Land(g)

[Date and signature]

NOTES

- (a) Any sub-heading should be the same as the sub-heading in the order.
- (b) If the order relates to a community council, it should refer instead to the Secretary of State for Wales, whose address should be given in paragraph 5 as the Welsh Office, Cathays Park, Cardiff, CF1 3NQ.
- (c) Delete whichever is inapplicable.
- (d) Insert the purpose as stated in the order.
- (e) The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.
- (f) Insert a date at least 21 clear days from the date of service of the notice (i.e. 21 days excluding the date of service).
- (g) Insert description of all the land comprised in the order. This need not repeat the schedule to the order, but must be in terms from which persons interested can readily see how their land is affected."

PART II

"FORM II

LOCAL GOVERNMENT ACT 1972

To(a)

[owner] [lessee] [occupier] of(b)

Take notice that the parish (community)(c) council of _____ have represented to the district council of _____ that they are unable to purchase by agreement and on reasonable terms suitable land for(d) _____ being a purpose for which they are authorised to acquire land, and that they have requested the district council to make an order for the compulsory purchase of the land described in the schedule hereto for the said purpose.

A map showing the land concerned has been deposited at _____ and may be seen at all reasonable hours.

The district council have appointed _____ to hold a local inquiry in the above matter.

The inquiry will be held at _____ on _____ 19 _____ at _____ a.m./p.m., and you have the right to attend and be heard.

Schedule

(Insert description of land)

[Date and signature]

NOTES

- (a) Insert name of owner, lessee or occupier.
- (b) Insert description of land proposed to be acquired.
- (c) Delete whichever is inapplicable.
- (d) Insert purpose for which the land is proposed to be acquired."

12th March 1974.

Anthony Crosland,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations—

- (i) prescribe how a district council is to give notice of inquiry into a proposal to purchase land compulsorily on behalf of a parish or community council;
- (ii) prescribe the form of notice to be given to owners, lessees and occupiers of the land concerned;
- (iii) prescribe a new form of notice of intention to submit the resulting compulsory purchase order to the Secretary of State for confirmation.

The Regulations are necessitated by two changes effected by the Local Government Act 1972, namely—

- (i) the creation of community councils in Wales and
- (ii) the transfer of responsibility for those compulsory purchases from county councils to district councils.

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