
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004 (SI 2004/2594) (“the 2004 Regulations”). They come into force on 6th April 2018.

Part 1 contains preliminary matters.

Part 2 sets out miscellaneous amendments to the 2004 Regulations.

Regulations 4 and 5 amend regulations 2(1) and 3(1) of the 2004 Regulations in consequence of the amendment made by regulation 8(2) (which renames the Schedule to the 2004 Regulations as Schedule 1).

Regulation 6 amends regulation 8 of the 2004 Regulations so that any site visit by an inspector must be undertaken within the period of fifteen weeks beginning with the “starting date” (as defined in regulation 2(2) of the 2004 Regulations).

Regulation 7 inserts two new regulations into the 2004 Regulations.

New regulation 11 sets out the procedure to be followed where a decision notified under regulation 10(1) of the 2004 Regulations is quashed in proceedings before any court (whether under section 24(3) of the Acquisition of Land Act 1981 (c. 67) (“the 1981 Act”) or as a result of a judicial review challenge).

New regulation 12 provides that the 2004 Regulations are to have effect subject to certain modifications where a person is appointed under section 14D of the 1981 Act. Section 14D provides that a confirming authority may appoint a person to act instead of it in relation to the confirmation of a compulsory purchase order to which section 13A of the 1981 Act applies. The modifications are set out in new Schedule 2 to the 2004 Regulations (which is inserted by regulation 9 of these Regulations).

Regulation 8 amends the existing Schedule to the 2004 Regulations and renames it Schedule 1.

Part 3 concerns electronic communications.

Regulation 10 amends regulation 2 of the 2004 Regulations in order to authorise and facilitate the use of electronic communications. The definition of “send” in regulation 2(2) of the 2004 Regulations is amended so that the “authorising authority” (as defined in regulation 2(2) of the 2004 Regulations) may send documents by first class post or by using electronic communications.

Regulation 11 inserts a new regulation 2A into the 2004 Regulations which sets out how a person may withdraw their consent to the use of electronic communications.

Regulation 12 amends the prescribed form of consent to the written representations procedure in the 2004 Regulations to make clear that where a remaining objector is content to receive communications electronically, they should provide their address for the purposes of electronic communications on the form.

A final impact assessment was produced for Part 7 of the Housing and Planning Act 2016 (c. 22) on compulsory purchase, which, among other things, introduced section 14D (power to appoint an inspector) into the 1981 Act and inserted subsection (3) into section 24 of that Act (powers of the court). A copy of that impact assessment is available online at: <https://www.parliament.uk/documents/impact-assessments/IA16-0021.pdf>. No additional impact assessment has been produced in respect of this instrument as no additional impact on the private or voluntary sectors is foreseen.