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*Changes to legislation: There are currently no known outstanding effects  
for the Forestry Act 1967, Part II. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

#### COMPULSORY PURCHASE

##### PART II

###### VALIDITY AND OPERATION OF COMPULSORY PURCHASE ORDERS

- 7 (1) So soon as may be after a compulsory purchase order has been made by the Minister, he shall—
- (a) publish in one or more newspapers circulating in the locality in which the land to which the order relates is situated a notice stating that the order has been made and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and
  - (b) serve a like notice on every person who made an objection to the order.
- (2) Section 30 of this Act applies to the service of a notice under sub-paragraph (1)(b) above as it applies to the service of documents under Part II of this Act.
- [<sup>F1</sup>(2A) Sub-paragraphs (2B) to (2H) apply where a compulsory purchase order authorises the compulsory purchase of land in England or Wales.
- (2B) The appropriate national authority must serve the notice mentioned in sub-paragraph (1) on any person who, if Schedule 1 to the Acquisition of Land Act 1981 applied to the acquisition, would be entitled to a notice under paragraph 3 of that Schedule (notice to owners, lessees and occupiers).
- (2C) The notice must—
- (a) contain a statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
  - (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 to give the appropriate national authority information about the person's name, address and interest in land, using a form set out in the notice.
- (2D) The statement referred to in sub-paragraph (2C)(a) must be the same as the relevant statement prescribed under paragraph 6(4)(e) of Schedule 1 to the Acquisition of Land Act 1981, subject to any necessary modifications.
- (2E) The form mentioned in sub-paragraph (2C)(b) must be the same as the relevant form prescribed under paragraph 6(4)(f) of Schedule 1 to the Acquisition of Land Act 1981, subject to any necessary modifications.
- (2F) The appropriate national authority must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

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- (2G) For the purposes of sub-paragraphs (2D) and (2E), a statement or a form is “relevant” if it was prescribed by the appropriate national authority which has to serve it.
- (2H) In this paragraph, the “appropriate national authority” means—
- (a) in relation to the compulsory purchase of land in England, the Secretary of State, and
  - (b) in relation to the compulsory purchase of land in Wales, the Welsh Ministers.]
- (3) Where the order is subject to special parliamentary procedure, the notice to be published and served by the Minister under sub-paragraph (1) above shall contain a statement that the order is to be laid before Parliament under the<sup>M1M2</sup>Statutory Orders (Special Procedure) Acts 1945 and 1965.

#### Textual Amendments

- F1** Sch. 5 para. 7(2A)-(2H) inserted (E.W.) (2.2.2017) by [The Housing and Planning Act 2016 \(Compulsory Purchase\) \(Corresponding Amendments\) Regulations 2017 \(S.I. 2017/16\)](#), reg. 1(2), **Sch. para. 3(1)** (with Sch. para. 3(2))

#### Marginal Citations

- M1** 1945 c. 18 (9 & 10 Geo. 6)(89)  
**M2** 1965 c. 43(89)

- 8 (1) Except where the order is confirmed by Act, if a person aggrieved by the order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may—
- (a) in the case of an order to which the Statutory Orders (Special Procedure) Acts 1945 and 1965 apply, within a period of six weeks after the date on which the order becomes operative under those Acts; and
  - (b) in any other case, within a period of six weeks after the first publication of the notice of the order,
- make an application for that purpose to the court.
- (2) Where any such application is duly made, the court—
- (a) may by interim order suspend the operation of the compulsory purchase order, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
  - (b) if satisfied upon the hearing of the application that the order is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, either generally or in so far as it affects any property of the applicant.
- (3) In this paragraph—
- “confirmed by Act” means confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945<sup>F2</sup>... ; and
- “the court” means, in relation to England and Wales, the High Court<sup>F3</sup>... .

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**Textual Amendments**

- F2** Words in Sch. 5 para. 8(3) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 46(f)(i)**; S.S.I. 2019/47, reg. 2
- F3** Words in Sch. 5 para. 8(3) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 46(f)(ii)**; S.S.I. 2019/47, reg. 2

- 9 Subject to the foregoing provisions, the order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever either before or after the order is made.
- 10 The order, except where the Statutory Orders (Special Procedure) Acts 1945 and 1965 apply to it, shall become operative at the expiration of six weeks from the date on which notice of it is first published in accordance with the provisions of this Part of this Schedule.

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