



# Town and Country Planning Act 1962

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## PART V

### ACQUISITION AND APPROPRIATION OF LAND AND PROVISIONS RELATED THERETO

#### *Acquisition and appropriation of land*

#### **67 Compulsory acquisition of designated land**

- (1) Where any land is designated by a development plan as subject to compulsory acquisition by a Minister or local authority or by statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.
- (2) The compulsory acquisition of land under this section may be authorised—
  - (a) in the case of land designated by a development plan as subject to acquisition by a Minister, by that Minister ;
  - (b) in the case of land so designated as subject to acquisition by a local authority, by the Minister concerned with the functions in question ;
  - (c) in the case of land so designated as subject to acquisition by statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers.
- (3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—
  - (a) as if this section had been in force immediately before the commencement of that Act;
  - (b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers ; and
  - (c) as if references therein to the Minister of Transport, and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act, included respectively references to any Minister and to the provisions of this section.

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## **68 Compulsory acquisition of land for development**

- (1) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority, then if the Minister is satisfied—
  - (a) in the case of land comprised in an area defined by the plan as an area of comprehensive development, or of land contiguous or adjacent to any such area, that the land is required in order to secure the development or redevelopment of that area or that it is expedient in the public interest that the land should be held together with land so required, or
  - (b) in any other case, that it is necessary that the land should be acquired under this section for the purpose of securing its use in the manner proposed by the plan, he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.
- (2) Where under the preceding subsection the Minister has power to authorise the council of a county borough or county district to acquire any land compulsorily, he may, if after consultation with that council, and, in the case of land in a county, with the council of that county, he thinks it expedient to do so, authorise the land to be so acquired by any other local authority instead of that council.
- (3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.

## **69 Compulsory acquisition of building comprised in building preservation order**

- (1) Where a building preservation order is in force in respect of a building, and it appears to the Minister that reasonable steps are not being taken for properly preserving the building, the Minister may authorise the council of the county or county borough or county district in which the building is situated to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (2) Where a building preservation order is in force in respect of a building, and it appears to the Minister of Works that reasonable steps are not being taken for properly preserving the building, that Minister may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required as mentioned in the preceding subsection.
- (3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—
  - (a) as if this section had been in force immediately before the commencement of that Act, and
  - (b) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to the Minister of Works and to the provisions of this section.
- (4) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required to be served under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, apply to a magistrates' court acting for

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the petty sessions area within which the building to which the notice relates is situated for an order staying further proceedings on the compulsory purchase order ; and, if the court is satisfied that reasonable steps are being taken for properly preserving the building, the court shall make an order accordingly.

- (5) Any person aggrieved by the decision of a magistrates' court on an application under the last preceding subsection may appeal against that decision to a court of quarter sessions.
- (6) Where a building is acquired under the provisions of subsection (1) of this section, the council of the county or county borough or county district by whom the building is acquired shall observe the provisions of the building preservation order relating to that building.

## **70 Extinguishment of rights over land compulsorily acquired**

- (1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Part of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.
- (2) The preceding subsection shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) In respect of any right or apparatus not falling within the last preceding subsection, subsection (1) of this section shall have effect subject—
  - (a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) of this section shall not apply to any right or apparatus specified in the direction, and
  - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.
- (5) Any compensation payable under this section shall be determined in accordance with the Land Compensation Act, 1961.

## **71 Acquisition of land by agreement**

- (1) The council of any county, county borough or county district may acquire by agreement—
  - (a) any land (whether or not being land designated by a development plan as subject to compulsory acquisition) which they require for any purpose for which a local authority may be authorised to acquire land under section sixty-eight of this Act;
  - (b) any building in respect of which a building preservation order has been or could be made by the local planning authority, and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for the purposes specified in subsection (1) of section sixty-nine of this Act.

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- (2) The powers conferred by the preceding subsection shall not be exercisable by a council except with the consent of the Minister, unless the land which is to be acquired either—
- (a) is immediately required by the council for the purpose for which it is to be acquired, or
  - (b) if it is not so required, is land within the area of the council,
- and shall not be exercisable except with the consent of the Minister in respect of corporate land.
- (3) The Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section; and in construing those Acts as so incorporated—
- (a) this section shall be deemed to be the special Act, and
  - (b) references to the promoters of the undertaking shall be construed as references to the council authorised to acquire the land under this section.

## **72 Acquisition of land for purposes of exchange**

Without prejudice to the generality of the powers conferred by the preceding provisions of this Part of this Act, any power of a local authority to acquire land thereunder, whether compulsorily or by agreement, shall include power to acquire land required for giving in exchange—

- (a) for land appropriated under the next following section, or
- (b) for Green Belt land, within the meaning of the Green Belt (London and Home Counties) Act, 1938, appropriated in accordance with that Act for any purpose specified in a development plan.

## **73 Appropriation of land for planning purposes**

- (1) Any local authority may be authorised, by an order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan (being a purpose for which that authority can be authorised to acquire land under any enactment) any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the Green Belt (London and Home Counties) Act, 1938.
- (2) Paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.
- (3) Section one hundred and sixty-three of the Local Government Act, 1933 (which contains general provisions as to the appropriation of land by local authorities) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.
- (4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the

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appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment under which the land was acquired.

- (5) On an appropriation of land by a local authority under this section, where—
- (a) the authority is not an authority to whom Part II of the Act of 1959 applies, or
  - (b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function within the meaning of the Act of 1959, or is appropriated by the authority for the purposes of such a function, or
  - (c) the land, immediately before it was appropriated, was corporate land,
- there shall be made in the accounts of the local authority such adjustments as the Minister may direct.
- (6) On an appropriation under this section which does not fall within the last preceding subsection, there shall be made such adjustment of accounts as is required by subsection (1) of section twenty-four of the Act of 1959.

*Expedited completion of compulsory acquisition*

**74 Order providing for expedited completion**

- (1) Where, for the purposes of an acquisition under section sixty-eight of this Act, a local authority submit to the Minister a compulsory purchase order, and—
- (a) the order as submitted to the Minister includes an application for a direction under this section, and
  - (b) the Minister is satisfied that it is urgently necessary in the public interest to empower that authority to enter upon any land (being the whole or part of the land to which the order relates) and to secure its vesting in them before the expiry of the time which would be required for the service of notices to treat,
- the Minister may include in the order as confirmed by him a direction that the provisions of this Part of this Act relating to expedited completion shall apply to the order so far as it relates to the first-mentioned land.
- (2) A compulsory purchase order which contains such a direction shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of each county borough or county district in which the land to which the direction relates or any part thereof is situated ; and it shall be the duty of the local authority, as soon as may be after the order has become operative, to notify that fact to the proper officer of the council by whom it is required to be so registered, and to furnish him with all information relating to the order which is required for the purpose.
- (3) Where a compulsory purchase order containing a direction under this section is made in respect of land which has sustained war damage, being damage which has not been made good before the date on which the order is registered under the last preceding subsection, the local authority, when they notify the fact that the order has become operative to the proper officer under the last preceding subsection, shall notify the War Damage Commission of that action having been taken.

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## **75 General effect of order providing for expedited completion**

- (1) The provisions of this and the next following section and of the Fourth Schedule to this Act shall have effect in relation to a compulsory purchase order which includes such a direction as is mentioned in subsection (1) of the last preceding section.
- (2) When the order becomes operative, the incorporated enactments shall apply as if, on the relevant date, a notice to treat had (except as provided by the next following section) been served on every person on whom under section eighteen of the Lands Clauses Consolidation Act, 1845 (on the assumption that the acquiring authority required to take the whole of the relevant land and had knowledge of all the parties referred to in that section) the authority could have served such a notice.
- (3) Subject to the next following subsection, the acquiring authority, at any time or from time to time after the order becomes operative, may execute, in respect of any area consisting of the whole or part of the relevant land, a declaration designating that area and stating—
  - (a) that they intend to enter upon the land in the designated area, and take possession thereof, at the end of such period as may be specified in the declaration (not being less than fourteen days) from the date on which the service of notices on occupiers required by subsection (5) of this section is completed, and
  - (b) that the land in the designated area is to vest in the acquiring authority at the end of that period.
- (4) A declaration under the last preceding subsection shall not be executed before the end of the period of two months from the date of the first publication of the notice of confirmation of the order as required by the Acquisition of Land (Authorisation Procedure) Act, 1946:
 

Provided that the order may substitute a period longer than two months for the purposes of the operation of this subsection in relation to any land, or, if the order as submitted to the Minister so provided in respect of any land, may substitute a period shorter than two months for the purposes of the operation of this subsection in relation to that land.
- (5) As soon as may be after executing a declaration under subsection (3) of this section, the acquiring authority shall serve—
  - (a) on every occupier of any of the land in the area designated by the declaration (other than land excepted from this paragraph by the next following section), and
  - (b) on every other person who has given information to the acquiring authority with respect to any land in that area, in pursuance of the invitation in that behalf required (in accordance with paragraph 2 of the Fourth Schedule to this Act) to be included in the notice of confirmation of the order,

a notice describing the designated area and stating the effect of the declaration.
- (6) At the end of the period specified in such a declaration in accordance with paragraph (a) of subsection (3) of this section there shall vest in the acquiring authority the right to enter upon, and take possession of, the land in the area designated by the declaration, or any of that land, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, and the land in that area shall vest in the acquiring authority as if, at the end of that period.—

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- (a) the circumstances in which under that Act the promoters of an undertaking have powers to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance) had arisen in respect of all the land in the designated area and in respect of all interests in that land, and
- (b) the acquiring authority had duly exercised those powers accordingly:

Provided that, in relation to tenancies to which the next following section applies, this subsection shall have effect subject to the provisions of that section.

- (7) In this section “the incorporated enactments ” means the provisions of the Lands Clauses Acts and the Land Compensation Act, 1961, as modified by the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and by the provisions of this and the next following section and the Fourth Schedule to this Act, and the “relevant land ”, in relation to a compulsory purchase order, means the aggregate of the land in respect of which it is directed by the order, in accordance with subsection (1) of the last preceding section, that the provisions of this Part of this Act relating to expedited completion shall apply to the order; and in this and the next following section “the relevant date ”, in relation to any land, means the date on which the compulsory purchase order in question is registered under subsection (2) of the last preceding section by the proper officer of the council of the county borough or county district in which that land is situated.

## **76 Special provisions as to certain tenancies**

- (1) The tenancies to which this section applies are minor tenancies and long tenancies which are about to expire.
- (2) Notwithstanding anything in subsection (2) of the last preceding section, no notice to treat shall by virtue of that subsection be taken to have been served on any person in respect of a tenancy to which this section applies.
- (3) Land in which there subsists a tenancy to which this section applies is excepted from paragraph (a) of sub-section (5) of the last preceding section, and the reference in that paragraph to land excepted from that paragraph by this section shall be construed accordingly.
- (4) Where any land in an area designated by a declaration under subsection (3) of the last preceding section is land in which a minor tenancy is subsisting, then (without prejudice to any power, exercisable by virtue of the Lands Clauses Acts, to require a tenant to give up possession) the right of entry conferred by subsection (6) of that section shall not be exercisable in respect of that land, and the vesting of the land in the acquiring authority by virtue of that subsection shall be subject to the tenancy during its subsistence.
- (5) Where any land in an area designated by a declaration under subsection (3) of the last preceding section is land in which a long tenancy which is about to expire is subsisting—
  - (a) the right of entry conferred by subsection (6) of the last preceding section shall not be exercisable in respect of that land unless the acquiring authority have served a notice to treat in respect of the tenancy and have thereafter served upon every occupier of any of the land in which the tenancy subsists a notice, stating that, at the end of such period as may be specified in that notice (not

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being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as may be specified in that notice, and the period specified in the last-mentioned notice has expired, and

- (b) the vesting of the land in the acquiring authority shall be subject to the tenancy until the end of the period specified in the last-mentioned notice, or the cesser of the tenancy, whichever first occurs.
- (6) In this section “minor tenancy” means a tenancy for a year or from year to year or any lesser interest.
- (7) In this section “long tenancy which is about to expire ” means a tenancy granted for an interest greater than a minor tenancy, but having at the relevant date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this subsection be specified in the order in relation to the land in which the tenancy subsists); and in determining for the purposes of this subsection what period a tenancy still has to run at the relevant date it shall be assumed—
- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
  - (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.

*Powers exercisable in relation to land held for planning purposes, and other related powers*

## 77 **Appropriation of land held for planning purposes**

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority (subject to the following provisions of this section) may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part of this Act.
- (2) The consent of the Minister shall be requisite to any appropriation under this section—
- (a) by an authority which is not an authority to whom Part II of the Act of 1959 applies, or
  - (b) of land which, immediately before the appropriation, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act, or
  - (c) of land which, immediately before the appropriation,
- is corporate land; and any such consent may be given either in respect of a particular appropriation or in respect of appropriations of any class, and may be given either subject to or free from any conditions or limitations.
- (3) For the purposes of subsection (2) of section twenty-three of the Act of 1959 (which makes provision as to the consent of Ministers to appropriations in certain cases) the power of appropriation conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within the last preceding subsection) be deemed to be a power in relation to which subsection (1) of that section has effect.



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- (4) In relation to any appropriation under this section—
- (a) subsection (2) of section one hundred and sixty-three of the Local Government Act, 1933 (which relates to the operation of section sixty-eight of the Lands Clauses Consolidation Act, 1845), and
  - (b) subsections (5) and (6) of section seventy-three of this Act,
- shall have effect as they have effect in relation to appropriations under those sections respectively.
- (5) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of subsection (1) of section one hundred and sixty-three of the Local Government Act, 1933.

## **78 Disposal of land held for planning purposes**

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
- (2) The consent of the Minister shall be requisite to any disposal under this section—
- (a) by an authority which is not an authority to whom Part If of the Act of 1959 applies, or
  - (b) of land comprised in an area defined by a development plan as an area of comprehensive development, or of land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate local authority, or
  - (c) of land which, immediately before the disposal, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act, or
  - (d) of land which, immediately before the disposal, is corporate land;
- and any such consent may be given either in respect of a particular disposal or in respect of disposals of any class, and may be given either subject to or free from any conditions or limitations.
- (3) For the purposes of subsections (2) and (3) of section twenty-six of the Act of 1959 (which makes provision as to the consent of Ministers to disposals in certain cases), any disposal of land under this section shall be deemed to be a disposal which, apart from that section, could not be effected except with the consent of a Minister ; and for the purposes of subsection (4) of that section (which relates to disposals for a price, consideration or rent less than the best reasonably obtainable) the power of disposal conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within the last preceding subsection) be deemed to be a power in relation to which subsection (1) of that section has effect.
- (4) Subject to the next following subsection, if it appears to the Minister that it is expedient as mentioned in subsection (1) of this section that a local authority should dispose of land under this section to any person, and the authority have refused to dispose of it to

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him or are unable to reach agreement with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him, the Minister may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.

- (5) A local authority shall not be required by any directions given under the last preceding subsection (except to such extent as may appear to the Minister to be requisite in any particular case for giving effect to subsection (7) of this section) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made; and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Minister and the authority, or, in default of such agreement, shall be referred to and determined by the Lands Tribunal.
- (6) In estimating the best consideration for the purposes of of the last preceding subsection, any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded.
- (7) In relation—
- (a) to land comprised in an area defined by a development plan as an area of comprehensive development, and
  - (b) to land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate local authority,

the powers conferred by this section on a local authority, and on the Minister in respect of the giving of consent to disposals under this section, shall be so exercised as to secure, so far as may be practicable, to persons who were living or carrying on business or other activities on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements, on terms settled with due regard to the price at which any such land has been acquired from them.

In this subsection “development” includes redevelopment.

- (8) Subject to the provisions of section twenty-seven of the Act of 1959 (which enables capital money in certain cases to be applied without the consent or approval of a Minister which would otherwise be required) and to the provisions of subsection (6) of section thirty of that Act in so far as it relates to the application of capital money received in respect of corporate land, section one hundred and sixty-six of the Local Government Act, 1933 (which relates to the application of capital money received from the disposal of land) shall have effect in relation to capital money received in respect of transactions under this section as it has effect in relation to capital money received in respect of such transactions as are mentioned in that section.
- (9) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933.

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## **79 Development of land held for planning purposes**

- (1) The functions of a local authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of the authority by virtue of its constitution, to erect, construct or carry out any building or work on any land to which this section applies, not being a building or work for the erection, construction or carrying out of which, whether by that local authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment.
- (2) This section applies to any land which has been acquired or appropriated by a local authority for planning purposes and is for the time being held by the authority for the purposes for which it was so acquired or appropriated.
- (3) The consent of the Minister shall be requisite to any exercise by a local authority of the power conferred on them by subsection (1) of this section ; and any such consent may be given either in respect of a particular operation or in respect of operations of any class, and either subject to or free from any conditions or limitations.
- (4) Where a local authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Minister of their proposal, and the Minister may direct such advertisement by the authority as appears to him to be requisite for the purposes of the last preceding subsection.
- (5) The functions of a local authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain and insure any buildings or works on land to which this section applies, and generally to deal therewith in a proper course of management.
- (6) A local authority may, with the consent of the Minister, enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements:  

Provided that nothing in this section shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from this subsection.
- (7) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any grounds other than such a limitation as is mentioned in subsection (1) of this section.
- (8) In this section “alternative enactment” means any enactment which is not contained in this Part of this Act or in section two, section five or section fourteen of the Local Employment Act, 1960, and “authorised association” means any society, company or body of persons approved by the Minister whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages, and the erection, improvement or management of buildings for the working classes and others, and which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

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## **80 Special provisions as to features and buildings of architectural or historic interest**

- (1) In the exercise of the powers of appropriation, disposal and development conferred by the provisions of sections seventy-seven and seventy-eight of this Act, and of subsection (1) of the last preceding section, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings; and the Minister shall not give his consent to the appropriation or disposal thereunder of any land comprising a listed building, or to the erection, construction or carrying out of any building or work on any such land, unless either—
- (a) the consent is given subject to such conditions or limitations as in the opinion of the Minister will secure the preservation of the listed building, or
  - (b) the Minister, after giving the requisite notice of the application for his consent, is satisfied that the purpose which the local authority seek to achieve by the proposed exercise of their powers is one which ought in the public interest to be carried out, and that the carrying out of that purpose, whether by the use of the land in question or otherwise, either—
    - (i) would be prevented by the preservation of the listed building, or
    - (ii) would be so affected by the preservation thereof that, notwithstanding the desirability of preserving the building, it is inexpedient to do so.
- (2) For the purposes of paragraph (b) of the preceding subsection the requisite notice of an application for the consent of the Minister is a notice which—
- (a) contains such particulars of the appropriation, disposal or operation for which his consent is sought as appear to him to be requisite, and
  - (b) not less than twenty-eight days before he gives his decision on the application, is published in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated.
- (3) In this section “preservation”, in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, “development” includes redevelopment, and “listed building” means a building included in any list compiled or approved under section thirty-two of this Act.

## **81 Power to override easements and other rights**

- (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local authority for planning purposes, whether done by the local authority or by a person deriving title under them, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract:

Provided that nothing in this subsection shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

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- (2) This section applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (3) In respect of any interference or breach in pursuance of subsection (1) of this section, compensation shall be payable under section sixty-three or section sixty-eight of the Lands Clauses Consolidation Act, 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase under that Act or the injury arises from the execution of works on land acquired under that Act.
- (4) Where a person deriving title under the local authority by whom the land in question was acquired or appropriated is liable to pay compensation by virtue of the last preceding subsection, and fails to discharge that liability, the liability shall be enforceable against the local authority:  
  
Provided that nothing in this subsection shall be construed as affecting any agreement between the local authority and any other person for indemnifying the local authority against any liability under this subsection.
- (5) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) of this section.

## **82 Use and development of consecrated land and burial grounds**

- (1) Any consecrated land, whether or not including a building, which has been acquired by a Minister, a local authority or statutory undertakers under this Part of this Act, or which has been appropriated by a local authority for planning purposes, may, subject to the following provisions of this section.—
  - (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and
  - (b) in any other case, be used by any person in any manner in accordance with planning permission,notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land:  
  
Provided that this subsection does not apply to land which consists or forms part of a burial ground.
- (2) Any use of consecrated land authorised by the preceding subsection, and the use of any land, not being consecrated land, acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.
- (3) Any regulations made for the purposes of the last preceding subsection—

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- (a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure ;
  - (b) shall contain requirements relating to the disposal of any such land as is mentioned in the last preceding subsection such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land ; and
  - (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.
- (4) Any land consisting of a burial ground or part of a burial ground, which has been acquired or appropriated as mentioned in subsection (1) of this section, may—
- (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and
  - (b) in any other case, be used by any person in any manner in accordance with planning permission,
- notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds :
- Provided that this subsection shall not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.
- (5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to the last preceding subsection—
- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments ;
  - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;
  - (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.
- (6) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section twenty-five of the Burial Act, 1857 (which prohibits the removal of human remains without

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the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

- (7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4) of this section.
- (8) In this section “burial ground ” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and “monument” includes a tombstone or other memorial.

### **83 Use and development of land for open spaces**

- (1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired by a Minister, a local authority or statutory undertakers under this Part of this Act, or which has been appropriated by a local authority for planning purposes, may—
- (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and
  - (b) in any other case, be used by any person in any manner in accordance with planning permission,
- notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.
- (2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in the preceding subsection.

### **84 Displacement of persons from land acquired or appropriated**

- (1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, and the carrying out of redevelopment on the land will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.
- (2) Section one hundred and forty-four of the Housing Act, 1957 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition by a local authority under section sixty-eight of this Act.
- (3) If the Minister certifies that possession of a house which has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was acquired or appropriated, is immediately required for those purposes, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall prevent the acquiring or appropriating authority from obtaining possession of the house.
- (4) Where any land has been acquired by a Minister under this Part of this Act, or has been acquired or appropriated by a local authority for planning purposes, and that Minister

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or the local authority in question, as the case may be, requires possession of a building on the land, or of part of such a building, for the purposes for which the land was acquired or appropriated, then, whatever may be the value or rent of the building or part of a building, that Minister or authority may obtain possession thereof under the Small Tenements Recovery Act, 1838, at any time after the tenancy of the occupier has expired or has been determined.

- (5) Where any land has been acquired by a Minister or a local authority under this Part of this Act, or has been appropriated by a local authority for planning purposes, that Minister or the local authority in question, as the case may be.—
- (a) may pay to any person who is displaced in the carrying out of redevelopment on the land such reasonable allowance as he or they think fit towards his expenses in removing, and
  - (b) may pay to a person carrying on any business in a building from which he is so displaced such reasonable allowance as he or they think fit towards the loss which, in his or their opinion, that person will sustain by reason of the disturbance to his business consequent on his having to quit the building.
- (6) In estimating loss for the purposes of paragraph (b) of the last preceding subsection, the Minister or local authority in question shall have regard to the period for which the premises occupied by the person referred to in that paragraph might reasonably have been expected to be available for the purpose of that person's business, and to the availability of other premises suitable for that purpose.

## **85 Constitution of joint body to hold land acquired for planning purposes**

- (1) If it appears to the Minister, after consultation with the local authorities concerned, to be expedient that any land acquired by a local authority for planning purposes should be held by a joint body, consisting of representatives of that authority and of any other local authority, he may by order provide for the establishment of such a joint body and for the transfer to that body of the land so acquired.
- (2) Any order under this section providing for the establishment of a joint body may make such provision as the Minister considers expedient with respect to the constitution and functions of that body, including provisions—
- (a) for incorporating the joint body;
  - (b) for conferring on them, in relation to land transferred to them as mentioned in the preceding subsection, any of the powers conferred on local authorities by this Part of this Act in relation to land acquired and held by such authorities for the purposes of this Part of this Act;
  - (c) for determining the manner in which their expenses are to be defrayed.
- (3) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Minister to be necessary or expedient.

### *Supplementary provisions*

## **86 Modification of incorporated enactments for purposes of Part V**

- (1) Where any land is designated by a development plan as subject to compulsory acquisition, and a compulsory purchase order relating to that land is submitted to the



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confirming authority in accordance with Part I of the First Schedule to the Act of 1946, or, as the case may be, is made in draft by a Minister in accordance with Part II of that Schedule, the confirming authority or that Minister, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Minister, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

- (2) Where a compulsory purchase order authorising the acquisition of any land under section sixty-eight of this Act is submitted to the Minister in accordance with Part I of the First Schedule to the Act of 1946, then if the Minister—
  - (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,he may confirm the order so far as it relates to the land mentioned in paragraph (a) of this subsection, and give directions postponing consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.
- (3) Where the Minister gives directions under the last preceding subsection, the notices required by paragraph 6 of the First Schedule to the Act of 1946 to be published and served shall include a statement of the effect of the directions.
- (4) Paragraph 9 of the First Schedule to the Act of 1946 (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust) shall not apply to land which is designated by a development plan as subject to compulsory acquisition.
- (5) Regulations made under this Act may make provision for securing that any proceedings required by the First Schedule to the Act of 1946 to be taken for the purposes of the compulsory acquisition of any land under this Act may be taken concurrently with any proceedings required by or under this Act to be taken in connection with the approval, making or amendment of a development plan designating that land as subject to compulsory acquisition.
- (6) In construing the Lands Clauses Acts as incorporated (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) with any of the provisions of this Part of this Act—
  - (a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section eighty-one of this Act;
  - (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section sixty-eight of the Lands Clauses Consolidation Act, 1845, to the promoters of the undertaking shall (notwithstanding anything in sub-paragraph (b) of paragraph 1 of the Second Schedule to the Act of 1946) be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and
  - (c) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister or statutory undertakers on land acquired by that Minister or those undertakers, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

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- (7) In this section “the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946.

## **87 Interpretation of Part V**

- (1) In this Part of this Act any reference to the acquisition of land for planning purposes is a reference to the acquisition thereof under section sixty-eight or section seventy-one of this Act, and any reference to the appropriation of land for planning purposes is a reference to the appropriation thereof for purposes for which land can be acquired under those sections.
- (2) In relation to a local authority or body corporate, nothing in sections eighty-one to eighty-three of this Act shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.
- (3) Any power conferred by section eighty-two or section eighty-three of this Act to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.