



Compulsory Purchase (Vesting Declarations) Act 1981

1981 CHAPTER 66

An Act to consolidate the provisions of the Town and Country Planning Act 1968 concerning general vesting declarations, and related enactments. [30th October 1981]

Modifications etc. (not altering text)

- C1** Act applied (16.3.1992) by [Avon Weir Act 1992 \(c. v\), s. 4\(3\)](#)
- C2** Act applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 22(3)
Act applied (with modifications) (18.12.1996) by 1996 c. 61, ss. 4(3), 6, Sch. 4 Pt. II paras. 4, 5, 14(5), 15, [Sch. 5 para. 3\(b\)](#)
Act applied (with modifications) (18.12.1996) by 1996 c. 61, s. 45(5)(6), [Sch. 4 para. 5\(2\)-\(7\)](#)
Act applied (with modifications) (27.8.1998) by S.I. 1998/1936, [art. 28](#)
Act applied (with modifications) (13.1.1999) by S.I. 1998/3269, [art. 22\(1\)\(2\)](#)
Act applied (with modifications) (19.2.1999) by S.I. 1999/537, [arts. 6\(3\)\(4\)](#), 7(2), 11
Act applied (with modifications) (23.8.1999) by S.I. 1999/2981, [art. 19](#)
Act applied (with modifications) (24.12.1999) by S.I. 2000/428, [art. 12](#)
Act applied (with modifications) (29.3.2001) by S.I. 2001/1347, [arts. 24](#), 33(1)(2)
Act applied (with modifications) (29.3.2001) by S.I. 2001/1348, [art. 5](#)
Act applied (with modifications) (2.3.2001) by S.I. 2001/1367, [art. 8](#)
Act applied (with modifications) (2.3.2001) by S.I. 2001/1369, [art. 5](#)
Act applied (with modifications) (22.3.2001) by S.I. 2001/1451, [arts. 9\(3\)\(4\)](#), 13(b)
Act applied (with modifications) (24.7.2001) by S.I. 2001/3627, [art. 37](#)
Act applied (with modifications) (9.11.2001) by S.I. 2001/3682, [art. 20](#)
Act applied (with modifications) (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), [arts. 16](#), 23 (with saving in art. 38)
Act applied (with modifications) (30.4.2002) by [The Docklands Light Railway \(Silvertown and London City Airport Extension\) Order 2002 \(S.I. 2002/1066\)](#), [arts. 22](#), 32 (with art. 26, Sch. 8)
Act applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\)](#), [art. 20](#)
Act applied (with modifications) (12.8.2002) by [The Channel Tunnel Rail Link \(Thames Tunnel Approach\) Order 2002 \(S.I. 2002/1943\)](#), [arts. 4\(3\)\(4\)](#), 10
- C3** Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)

Status: Point in time view as at 18/09/2009.

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- C4 Act modified (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, s. 19(6), **Sch. 4 paras. 6-9** ; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(2)(c)**
- C5 Act applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **arts. 25, 37**
- C6 Act applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **arts. 31, 41** (with arts. 65, 66)
- C7 Act applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 31** (with art. 51)
- C8 Act applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), **art. 27** (with art. 47)
- C9 Act applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 26** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C10 Act applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **arts. 26, 36** (with arts. 3(5), 15(3))
- C11 Act applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **arts. 24, 33** (with art. 52)
- C12 Act modified (30.4.2006) by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), **Sch. 1 para. 2**
- C13 Act applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **art. 20** (with art. 40, Sch. 7 para. 12)
- C14 Act applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **arts. 22, 33** (with art. 43)
- C15 Act applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **arts. 21, 28**
- C16 Act applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **arts. 25, 32** (with arts. 46-48, Sch. 6 para. 23)
- C17 Act applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **arts. 22, 31** (with arts. 3(6), 12(3))
- C18 Act applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), Sch. 6 paras. 4, **5**
- C19 Act applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **arts. 24, 33(1)** (with art. 36(3))
- C20 Act applied (with modifications) (29.12.2008) by The Network Rail (Thameslink) (Land Acquisition) Order 2008 (S.I. 2008/3163), **art. 5** (with art. 13)
- C21 Act applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 31** (with art. 45(1), Sch. 13 para. 14(2), Sch. 14 para. 19)
- C22 Act applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), **arts. 19, 30**

Commencement Information

- II** Act wholly in force at 30.1.1982, see s. 17(2)

PART I

GENERAL

1 Application of Act.

- (1) This Act has effect for the purpose of enabling any authority to whom this section applies to vest in themselves by a declaration land which they are authorised by a compulsory purchase order to acquire, and with respect to connected matters.

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- (2) This section applies to any Minister of local or other public authority authorised to acquire land by means of a compulsory purchase order.

2 Interpretation and construction.

- (1) In this Act—

“acquiring authority” means a Minister or other authority to whom section 1 above applies,

“general vesting declaration” means a declaration executed under section 4 below,

“land”, in relation to compulsory acquisition by an acquiring authority, has the same meaning as in the relevant enactments,

“long tenancy which is about to expire” has the meaning given by subsection (2) below,

“minor tenancy” means a tenancy for a year or from year to year, or any lesser interest,

“prescribed” means prescribed by regulations made by the Secretary of State which shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament,

“relevant enactments”, in relation to an acquiring authority, means the enactments under which that authority may acquire or be authorised to acquire land compulsorily and which prescribe a procedure for effecting the compulsory acquisition by them by means of a compulsory purchase order,

“tenancy” has the same meaning as in the ^{M1}Landlord and Tenant Act 1954,

“vesting date”, in relation to a general vesting declaration, has the meaning given by section 4(3) below.

- (2) In this Act “long tenancy which is about to expire”, in relation to a general vesting declaration, means a tenancy granted for an interest greater than a minor tenancy, but having on the vesting 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 definition be specified in the declaration in relation to the land in which the tenancy subsists).

In determining for the purposes of this subsection what period a tenancy still has to run on the vesting 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,
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.
- (3) [^{F1}Section 330 of the ^{M2}Town and Country Planning Act 1990] (information as to interests in land) shall have effect as if this Act were part of that Act.

Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 52\(1\)](#)

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Marginal Citations

M1 1954 c. 56.

M2 1990 c. 8.

PART II

EXECUTION OF DECLARATION

3 Preliminary notices.

—(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below in—

- (a) the statutory notice of confirmation of the order, or
- (b) in a notice which is given subsequently and to which the requirements of the relevant enactments with respect to the publication and service of the statutory notice of confirmation of the order shall apply.

(2) A notice under subsection (1)(b) above shall be given before the service of any notice to treat in respect of the land with respect to which the declaration is to be made.

(3) The particulars to be included in the notice are—

- (a) such a statement of the effect of this Part, and Part III below, as may be prescribed, and
- (b) a notification to the effect that every person who, if a general vesting declaration were executed in respect of all the land comprised in the order (other than land in respect of which notice to treat has been served), would be entitled to claim compensation in respect of any such land is invited to give information to the authority making the declaration in the prescribed form with respect to his name and address and the land in question.

(4) A notice complying with the preceding provisions of this section shall be registered in the register of local land charges by the proper officer of the local authority for the area in which that land, or any part of that land, is situated.

(5) In this section “statutory notice of confirmation”, in relation to a compulsory purchase order, means the notice of the confirmation of the order which is required to be published or served by section 15 of the Acquisition of Land Act 1981, or by any other provision of the relevant enactments corresponding to that section.

(6) Where the acquiring authority is a Minister for references in subsections (1) to (4) above to the statutory notice of confirmation of the order there shall be substituted references to the notice of the making of the order which is required to be published or served by paragraph 6 of Schedule 1 to the ^{M3}Acquisition of Land Act 1981, or any other provision of the relevant enactments corresponding to that paragraph.

Marginal Citations

M3 1981 c. 67.

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4 Execution of declaration.

- (1) The acquiring authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form vesting the land in themselves from the end of such period as may be specified in the declaration (not being less than 28 days from the date on which the service of notices required by section 6 below is completed).
- (2) For the purposes of this Act a certificate by the acquiring authority that the service of notices required by section 6 below was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.
- (3) In this Act the “vesting date” in relation to a general vesting declaration means the first day after the end of the period specified in the declaration in accordance with subsection (1) above.

5 Earliest date for execution of declaration.

- (1) A declaration under section 4 above shall not be executed before the end of the period of two months beginning with the date of the first publication of the notice complying with section 3 above, or such longer period, if any, as may be specified in the notice:

Provided that, with the consent in writing of every occupier of the land specified in the declaration, the acquiring authority may execute the declaration, before the end of that period of two months, or of the longer period so specified, as the case may be.
- (2) A declaration under section 4 above shall not be executed before the compulsory purchase order has come into operation, and this subsection applies in particular where the compulsory purchase order is subject to special parliamentary procedure and therefore does not come into operation in accordance with section 26(1) of the ^{M4}Acquisition of Land Act 1981 or any corresponding provision of the relevant enactments.

Marginal Citations

M4 1981 c. 67.

6 Notices after execution of declaration.

- (1) As soon as may be after executing a general vesting declaration the acquiring authority shall serve—
 - (a) on every occupier of any of the land specified in the declaration (other than land in which there subsists a minor tenancy or a long tenancy which is about to expire), and
 - (b) on every other person who has given information to the acquiring authority with respect to any of that land in pursuance of the invitation published and served under section 3(1) above,a notice in the prescribed form specifying the land and stating the effect of the declaration.
- (2) [^{F2}Section 329 of the ^{M5}Town and Country Planning Act 1990] (service of notices) shall apply as if this section formed part of that Act.

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Textual Amendments

F2 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 52\(2\)](#)

Marginal Citations

M5 [1990 c. 8.](#)

PART III

EFFECT OF DECLARATION

7 Constructive notice to treat.

- (1) On the vesting date the provisions of—
- (a) the ^{M6}Land Compensation Act 1961 (as modified by section 4 of the ^{M7}Acquisition of Land Act 1981) and
 - (b) the ^{M8}Compulsory Purchase Act 1965,
- shall apply as if, on the date on which the general vesting declaration was executed, a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965, the acquiring authority could have served such a notice, other than—
- (i) any person entitled to an interest in the land in respect of which such a notice had actually been served before the vesting date, and
 - (ii) any person entitled to a minor tenancy or a long tenancy which is about to expire.
- (2) For the purposes of subsection (1) above it shall be assumed that the acquiring authority required to take the whole of the land specified in the declaration and had knowledge of all the parties referred to in section 5 of the Compulsory Purchase Act 1965.
- (3) The power conferred by section 31 of the ^{M9}Land Compensation Act 1961 to withdraw a notice to treat shall not be exercisable in respect of a notice to treat which is deemed to be served under this section.

Marginal Citations

M6 [1961 c. 33.](#)

M7 [1981 c. 67.](#)

M8 [1965 c. 56.](#)

M9 [1961 c. 33.](#)

8 Vesting, and right to enter and take possession.

- (1) On the vesting date the land specified in the general vesting declaration, together with the right to enter upon and take possession of it, shall, subject to section 9 below, vest in the acquiring authority as if—

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- (a) the circumstances in which under Part I of the ^{M10}Compulsory Purchase Act 1965 an authority authorised to purchase land compulsorily have any power to execute a deed poll had arisen in respect of all the land, and all interests therein, and
 - (b) the acquiring authority had duly exercised that power accordingly on the vesting date.
- (2) Subsection (1)(a) above applies to any deed poll whether for vesting land or any interest in land in the acquiring authority, or for extinguishing the whole or any part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance.
- (3) Section 11(1) of the ^{M11}Compulsory Purchase Act 1965 (power to enter upon land after service of notice to treat) shall not apply to land specified in a general vesting declaration.

Marginal Citations

M10 1965 c. 56.

M11 1965 c. 56.

9 Minor tenancies and tenancies about to expire.

- (1) This section applies where any land specified in a general vesting declaration is land in which there subsists a minor tenancy or a long tenancy which is about to expire.
- (2) The right of entry conferred by section 8(1) above shall not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the acquiring authority have served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of such period as is specified in the notice (not being less than 14 days) from the date on which the notice is served, they intend to enter upon and take possession of such land as is specified in the notice, and that period has expired.
- (3) The vesting of the land in the acquiring authority shall be subject to the tenancy until the period specified in a notice under subsection (2) above expires, or the tenancy comes to an end, whichever first occurs.

PART IV

SUPPLEMENTARY

10 Acquiring authority's liability arising on vesting of the land.

- (1) Where any of the land specified in a general vesting declaration has become vested in an acquiring authority by virtue of Part III of this Act, the acquiring authority shall be liable to pay the like compensation, and the like interest on the compensation agreed or awarded, as they would have been required to pay if they had taken possession of the land under section 11(1) of the ^{M12}Compulsory Purchase Act 1965.
- (2) Section 22 of the Compulsory Purchase Act 1965 and Schedule 2 to that Act (absent and untraced owners) shall not apply to the compensation to be paid for any interest

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in land in respect of which a notice to treat is deemed to have been served by virtue of Part III of this Act.

- (3) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of Part III of this Act may be referred to the [^{F3}Upper Tribunal] shall be 6 years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of Part III of this Act.

This subsection shall be construed as one with Part I of the ^{M13}Limitation Act 1980.

Textual Amendments

- F3** Words in s. 10(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 146** (with Sch. 5)

Marginal Citations

- M12** 1965 c. 56.
M13 1980 c. 58.

11 Recovery of compensation overpaid.

- (1) This section applies where after the execution of a general vesting declaration a person (“the claimant”) claims compensation in respect of the acquisition by the acquiring authority of an interest in land by virtue of the declaration, and the authority pay compensation in respect of that interest.
- (2) If it is shown that—
- the land, or the claimant’s interest in it, was subject to an incumbrance which was not disclosed in the particulars of his claim, and
 - that by reason of that incumbrance the compensation paid exceeded the compensation to which the claimant was entitled in respect of that interest,
- the acquiring authority may recover from the claimant the amount of the excess.
- (3) If it is shown that the claimant was not entitled to the interest, either in the whole or in part of the land to which the claim related, the acquiring authority may recover from the claimant an amount equal to the compensation paid, or as the case may be an amount equal to so much of that compensation as, on a proper apportionment, is attributable to that part of the land.
- (4) Any question arising under subsection (2) or (3) above as to—
- the amount of the compensation to which the claimant was entitled in respect of an interest in land, or
 - the apportionment of any compensation paid,
- shall be referred to and determined by the [^{F4}Upper Tribunal.]
- (5) Subject to subsection (4) above, any amount recoverable by the acquiring authority under this section shall be recoverable in any court of competent jurisdiction.
- (6) If the acquiring authority are a local authority (as defined in [^{F5}section 336(1) of the ^{M14}Town and Country Planning Act 1990]) any sum recovered by them under this section shall be applied towards the repayment of any debt incurred in acquiring or

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redeveloping the land, or if no debt was so incurred shall be paid into the account out of which sums incurred in the acquisition of that land were paid.

Textual Amendments

- F4** Words in s. 11(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 147** (with Sch. 5)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 52(3)**

Marginal Citations

- M14** 1990 c. 8.

12 Divided land.

Schedule 1 to this Act shall have effect.

13 Right of recovery of mistaken payment of rent, etc.

Where any of the land specified in a general vesting declaration has become vested in an acquiring authority under Part III of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a tenancy mortgage interest or any other matter) and makes any payment as in satisfaction or in part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constituted the cause of his being so relieved, or of one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

14 Documents of title.

Where, after land has become vested in an acquiring authority under Part III of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof; and section 64 of the ^{M15}Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

Marginal Citations

- M15** 1925 c. 20.

15 Application to orders under section 141 of the Local Government, Planning and Land Act 1980.

In relation to any order under section 141 of the ^{M16}Local Government, Planning and Land Act 1980 (which provides that such an order shall have the same effect as a

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general vesting declaration) this Act shall have effect subject to the modifications specified in Schedule 2 to this Act.

Modifications etc. (not altering text)

C23 S. 15 modified (10.11.1993) by 1993 c. 28, s. 161(4), **Sch. 19 para. 6**; S.I. 1993/2762, **art.3**; which modification was repealed (1.12.2008) by 2008 c. 17, s. 325(1), Sch. 8 para. 33(2), Sch. 16; S.I. 2008/3068, arts. 2(1)(w)(3), 5, Sch. (with arts. 6-13)

Marginal Citations

M16 1980 c. 65.

16 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.
- (2) The transitional provisions in Schedule 4 to this Act shall have effect.
- (3) The enactments specified in Schedule 5 to this Act shall be repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)

C24 The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

17 Short title, commencement and extent.

- (1) This Act may be cited as the Compulsory Purchase (Vesting Declarations) Act 1981.
- (2) This Act shall come into force at the expiration of a period of three months beginning with the date on which this Act is passed.
- (3) This Act shall not extend to Scotland or Northern Ireland.

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SCHEDULES

SCHEDULE 1

Section 8.

DIVIDED LAND

Modifications etc. (not altering text)

C25 Sch. 1 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 6 para. 11\(3\)\(b\)](#)

PART I

BUILDINGS AND GARDENS ETC.

Interpretation of Part I

- 1 In this Part of this Schedule—
- “notice of objection to severance” means a notice under paragraph 2(1) below,
 - “land proposed to be severed” means land in respect of which notice of objection to severance is served.

Objection to severance

- 2 (1) If a general vesting declaration comprises part only of—
- (a) any house, building or factory, or
 - (b) a park or garden belonging to a house,
- any person who is able to sell the whole of the house, building, factory, park or garden may by notice served on the acquiring authority require them to purchase his interest in the whole.
- (2) Except as provided by paragraph 10 below, a notice under this paragraph shall not have effect if it is served more than 28 days after the date on which notice under section 6 of this Act is served on the person giving notice under this paragraph.
- (3) Section 8(1) of the ^{M17}Compulsory Purchase Act 1965 (which makes other provision for objection to severance of buildings, gardens etc.) shall not apply to land in respect of which a general vesting declaration is made.

Marginal Citations

M17 1965 c. 56.

- 3 Where notice of objection to severance is served within the time allowed in accordance with paragraph 2(2) above then notwithstanding section 8 of this Act—

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- (a) the interest in respect of which the notice is served shall not vest in the acquiring authority, and
 - (b) if he is entitled to possession of the land, the acquiring authority shall not be entitled to enter upon or take possession of it,
- until the notice has been disposed of in accordance with the following provisions of this Schedule.

Response by acquiring authority to objection to severance

- 4 (1) Within 3 months after a person has served on an acquiring authority a notice of objection to severance, the authority shall either—
- (a) serve notice on him withdrawing the notice to treat deemed to have been served on him in respect of his interest in the land proposed to be severed, or
 - (b) serve notice on him that the general vesting declaration shall have effect, in relation to his interest in the land proposed to be severed, as if the whole of that land had been comprised in the declaration (and in the compulsory purchase order, if part only of that land was comprised in that order), or
 - (c) refer the notice of objection to severance to the [^{F6}Upper Tribunal] and notify him that it has been so referred.
- (2) Sub-paragraph (1)(a) above has effect notwithstanding section 7(3) of this Act.

Textual Amendments

F6 Words in [Sch. 1 para. 4\(1\)\(c\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 148](#) (with [Sch. 5](#))

- 5 If the acquiring authority do not take action in accordance with paragraph 4 above within the period allowed by that paragraph then at the end of that period they shall be deemed to have acted in accordance with sub-paragraph (1)(a) of that paragraph.
- 6 Where in accordance with paragraph 4 or paragraph 5 above the notice to treat deemed to have been served in respect of a person's interest in the land proposed to be severed is withdrawn, or is deemed to have been withdrawn—
- (a) that interest shall not vest in the acquiring authority by virtue of the general vesting declaration, and
 - (b) If he is entitled to possession of that land, the acquiring authority shall not be entitled by virtue of that declaration to enter upon or take possession of it.
- 7 Where an acquiring authority take action in accordance with paragraph 4(1)(b) above, the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that sub-paragraph, whether apart from this Part of this Schedule the acquiring authority could have been authorised to acquire the interest in question in the whole of the land proposed to be severed or not.
- 8 (1) Where in accordance with paragraph 4(1)(c) above an acquiring authority refer a notice of objection to severance to the [^{F7}Upper Tribunal] , and on that reference the Tribunal determines that the part of the land proposed to be severed which is comprised in the general vesting declaration can be taken—

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- (a) in the case of a house, building or factory, without material detriment, or
- (b) in the case of a park or garden, without seriously affecting the amenity or convenience of the house,

paragraph 3 above shall thereupon cease to have effect in relation to that notice.

- (2) In making a determination under this paragraph in any of the cases in sub-paragraph (1)(a) or (b) above the Tribunal shall take into account not only the effect of the severance but also the use to be made of the part proposed to be acquired and, in a case where the part is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.

Textual Amendments

- F7** Words in [Sch. 1 para. 8\(1\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 148](#) (with [Sch. 5](#))

- 9 (1) If on such a reference the [^{F8}Upper Tribunal] does not make a determination in accordance with paragraph 8 above, the Tribunal shall determine the area of that land (being the whole of it or a part of it which includes the part comprised in the general vesting declaration) which the acquiring authority ought to be required to take; and the general vesting declaration shall have effect, in relation to the interest in that area of the person who served the notice of objection to severance, as if the whole of that area had been comprised in the general vesting declaration, whether apart from this Part of this Schedule the acquiring authority could have been authorised to acquire that interest in the whole of that area or not.
- (2) Where sub-paragraph (1) above applies, and part of the area determined by the [^{F9}Upper Tribunal] was not comprised in the compulsory purchase order, the general vesting declaration shall have effect as mentioned in that sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.

Textual Amendments

- F8** Words in [Sch. 1 para. 9\(1\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 148](#) (with [Sch. 5](#))
- F9** Words in [Sch. 1 para. 9\(2\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 148](#) (with [Sch. 5](#))

Late service of notice of objection to severance

- 10 (1) Where in accordance with paragraph 2(1) above a person is entitled to serve a notice of objection to severance, and it is proved—
- (a) that he never received the notice required by section 6 of this Act to be served on him, or received that notice less than 28 days before, or on or after, the date on which the period specified in the general vesting declaration expired, and
 - (b) that a notice of objection to severance served by him was served not more than 28 days after the date on which he first had knowledge of the execution of the general vesting declaration,

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that notice shall have effect notwithstanding that it is served after the time allowed in accordance with paragraph 2(2) above has expired.

- (2) Where in the circumstances specified in sub-paragraph (1) above, a person serves a notice of objection to severance after the end of the period specified in the general vesting declaration,—
- (a) paragraphs 3 and 6 above shall not have effect in relation to that notice.
 - (b) paragraph 4 above shall have effect in relation to that notice as if sub-paragraph (1)(a) of that paragraph were omitted,
 - (c) paragraph 5 above shall have effect in relation to that notice with the substitution, for the words “sub-paragraph (1)(a)”, of the words “sub-paragraph (1)(b)”, and
 - (d) paragraph 8 above shall not have effect in relation to that notice, but without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

PART II

RENTCHARGES AND TENANCIES

- 11 (1) Where land specified in a general vesting declaration is, together with other land not so specified, charged with a rentcharge, such proportion of the rentcharge as may be apportioned under section 18 of the ^{M18}Compulsory Purchase Act 1965 to the first-mentioned land shall, subject to sub-paragraph (3) below, be treated as having been extinguished by virtue of Part III of this Act on the vesting of that land in an acquiring authority under that Part.
- (2) Where by virtue of sub-paragraph (1) above a portion of the rentcharge is treated as having been extinguished, the provisions of section 18 of the ^{M19}Compulsory Purchase Act 1965 shall have effect as if the extinguishment had taken place under that section.
- (3) If, in the circumstances described in sub-paragraph (1) above, the person entitled to the rent charge and the owner of the land subject thereto enter into an agreement to that effect, the said section 18 shall have effect as if, at the time of the vesting of the land in the acquiring authority under Part III of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in subsection (2) of that section; and in that case no part of the rentcharge shall be treated as having been extinguished as regards the remaining part of the land charged therewith.
- (4) In this paragraph “rentcharge” has the same meaning as in section 18 of the ^{M20}Compulsory Purchase Act 1965.

Marginal Citations

M18 1965 c. 56

M19 1965 c. 56.

M20 1965 c. 56.

- 12 Where land specified in a general vesting declaration is, together with other land not so specified, comprised in a tenancy for a term of years unexpired, section 19

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of the ^{M21}Compulsory Purchase Act 1965 shall have effect in relation thereto as if for references to the time of the apportionment of rent therein mentioned there were substituted references to the time of vesting of the tenancy in the acquiring authority.

Marginal Citations

M21 1965 c. 56.

SCHEDULE 2

Section 15.

VESTING OF LAND IN URBAN DEVELOPMENT CORPORATION

- 1 In relation to an order (“the order”) under section 141 of the ^{M22}Local Government, Planning and Land Act 1980 (subsection (4) of which provides that an order under that section shall have the same effect as a general vesting declaration) this Act shall have effect subject to the modifications in this Schedule.

Modifications etc. (not altering text)

C26 Sch. 2 para. 1 modified: by [Housing Act 1988 \(c. 50, SIF 61\), s. 76\(5\), Sch. 9 Pt. II para. 12\(1\)](#); (10.11.1993) by [1993 c. 28, s. 161\(4\), Sch. 19 para. 7\(1\)](#); S.I. 1993/2762, [art. 3](#); which modification was repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 8 para. 33\(3\)\(a\), Sch. 16](#); S.I. 2008/3068, [arts. 2\(1\)\(w\)\(3\), 5, Sch. \(with arts. 6-13\)](#)

Marginal Citations

M22 1980 c. 65.

- 2 (1) Any reference in Part III or IV to a general vesting declaration shall be treated as a reference to the order.
- (2) Any reference in Part III or IV to the vesting date shall be treated as a reference to the date on which the order comes into force, and the reference in section 11(1) to the execution of a general vesting declaration shall be treated as a reference to the order having come into force.
- 3 In section 7(1)—
- (a) the reference to every person on whom, under section 5 of the Compulsory Purchase Act 1965, the acquiring authority could have served a notice to treat shall be treated as a reference to every person whose interest in the land to which the order relates is vested by the order in the Urban Development Corporation,
- (b) paragraph (i) shall be omitted.

Modifications etc. (not altering text)

C27 Sch. 2 para. 3 modified by [Housing Act 1988 \(c. 50, SIF 61\), s. 76\(5\), Sch. 9 Pt. II para. 12\(2\)](#)

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C28 Sch. 2 para. 3(a) modified (10.11.1993) by 1993 c. 28, s. 161(4), **Sch. 19 para. 7(2)**; S.I. 1993/2762, **art. 3**; which modification was amended (1.12.2008) by 2008 c. 17, s. 325(1), **Sch. 8 para. 33(2)**; S.I. 2008/3068, **arts. 2(1)(w)(3)** (with arts. 6-13)

- 4 (1) In Schedule 1, in paragraph 2(2) the reference to the date on which notice under section 6 is served on any person shall be treated as a reference to the date on which the order comes into force.
- (2) In Schedule 1, in paragraph 10—
- (a) sub-paragraph (1)(a) shall be omitted, and
 - (b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which the order came into force.

SCHEDULE 3

Section 16(1).

CONSEQUENTIAL AMENDMENTS

Land Compensation Act 1973 (c. 26)

- 1 In the Land Compensation Act 1973, in sections 50(4), 53(5) and 57(1) for “Schedule 3 to the Town and Country Planning Act 1968” substitute “Part III of the Compulsory Purchase (Vesting Declarations) Act 1981”.

Modifications etc. (not altering text)

C29 The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

2 **F10**

Textual Amendments

F10 Sch. 3 para. 2 repealed by Capital Transfer Tax Act 1984 (c. 51, SIF 65), **Sch. 9**

Development Land Tax Act 1976 (c. 24)

- 3 In section 45(5)(a) of the Development Land Tax Act 1976 for “Schedule 3 to the Town and Country Planning Act 1968” substitute “the Compulsory Purchase (Vesting Declarations) Act 1981”.

Modifications etc. (not altering text)

C30 The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

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Local Government, Planning and Land Act 1980 (c. 65)

- 4 In section 141(4) of the Local Government, Planning and Land Act 1980 for “section 30 of the Town and Country Planning Act 1968” substitute “the Compulsory Purchase (Vesting Declarations) Act 1981”.

Modifications etc. (not altering text)

- C31** The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

SCHEDULE 4

Section 16(2).

TRANSITIONAL

References to old law to include new law

- 1 (1) This paragraph is without prejudice to section 17(2)(a) of the ^{M23}Interpretation Act 1978 as extended to the interpretation of subordinate legislation and instruments and documents by section 23(2) and (3) of that Act.
- (2) Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

Marginal Citations

M23 1978 c. 30.

References to new law to include old law

- 2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 3 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the circumstances or purposes in relation to which the corresponding provision in the enactments repealed by this Act has or had effect, a reference to, as the case may be to things done or falling to be done under or for the purpose of, that corresponding provision.

Periods of time

- 3 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

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Successor authorities

- 4 (1) Any reference in this Act (whether express or implied) to a thing done by a Minister, or by a local authority, under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done by a predecessor authority under the corresponding enactment repealed by this Act.
- (2) In this paragraph “predecessor authority” means—
- (a) where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred.
 - (b) where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the ^{M24}London Government Act 1963, the ^{M25}Local Government Act 1972 and the ^{M26}Water Act 1973), the authority from whom the function was transferred.

Marginal Citations

M24 1963 c. 33.

M25 1972 c. 70.

M26 1973 c. 37.

Exclusion of compulsory purchase order in force before 1st April 1969

- 5 This Act shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before 1st April 1969.

SCHEDULE 5

Section 16(3).

REPEALS

Modifications etc. (not altering text)

C32 The text of s. 16(1)(3), Sch. 3 paras. 1, 3, 4 and Sch. 5 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

Chapter	Short title	Extent of repeal
1968 c. 72.	Town and Country Planning Act 1968.	Section 30. In section 104, in subsection (1) the definitions of “Act of 1946”, “prescribed” and “the principal Act”, and subsection (3). Schedule 3. Schedule 3A.

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		In Schedule 10 paragraph 14.
1971 c. 18.	Land Commission (Dissolution) Act 1971.	In Schedule 2 paragraph 2 and Appendix A.
1973 c. 26.	Land Compensation Act 1973.	In section 58(1) the words “paragraph 10 of Schedule 3A to the Town and Country Planning Act 1968”.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In Schedule 27 paragraphs 1 to 8.

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Changes to legislation:

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