

POSTAL SERVICES ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 5

Acquisition of Land

240. *Schedule 5* sets out the detailed provisions on the compulsory acquisition of land by a universal service provider. Under Part I, any universal service provider who requires to make a compulsory acquisition of land for the purpose of the provision of a universal postal service will require authorisation from the Secretary of State. As planning law differs within the UK, the Schedule provides separate powers for England and Wales, Scotland and Northern Ireland.
241. *Paragraph 1(2)* expands the power to make a compulsory purchase of land and rights over land so that it includes the power to acquire a right over land by creating a new right. Unlike the Acquisition of Land Act 1981, the Compulsory Purchase Act 1965 does not contain provision for such new rights and so *paragraphs 5 to 13* make the necessary modifications to that Act.
242. *Paragraph 2(2)*, like paragraph 1(2), provides for the acquisition of land by means of the creation of a new right over land. *Paragraphs 15 to 28* make provision similar to that in paragraphs 5 to 13 and for the same reason.
243. Part IV of the Schedule contains procedures for the compulsory purchase of land by universal service providers in Northern Ireland. It applies, with modifications, Schedule 6 to the Local Government Act (Northern Ireland) 1972 and Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972. It provides that any compensation due as a consequence of a compulsory purchase is to be assessed in the same way as when land is vested in a district council by virtue of Schedule 6 to the 1972 Act.