



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 8

#### COMPULSORY PURCHASE

##### *Authorisation of compulsory acquisition*

#### **100 Procedure for authorisation by authority other than a Minister**

- (1) The Acquisition of Land Act 1981 (c. 67) (the “1981 Act”) is amended as follows.
- (2) In section 6 (service of documents), in subsection (4)—
  - (a) after “lessee” in each place there is inserted “, tenant”;
  - (b) after “lessee” there is inserted “, “tenant” .
- (3) In section 7 (interpretation), after subsection (2) there is added—

“(3) But an instrument containing regulations made for the purposes of section 13A or paragraph 4A of Schedule 1 is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In section 11 (notices in newspapers), after subsection (2) there is added—

“(3) In addition, the acquiring authority shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the order.

(4) The notice under subsection (3) must—

  - (a) be addressed to persons occupying or having an interest in the land, and
  - (b) set out each of the matters mentioned in subsection (2) (but reading the reference there to first publication of the notice as a reference to the day when the notice under subsection (3) is first affixed).”

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- (5) In section 12 (notices to owners, lessees and occupiers)—
- (a) in subsection (1), for the words from “owner” to “order” (where it first appears) there is substituted “qualifying person”;
  - (b) for subsection (2) there is substituted—
    - “(2) A person is a qualifying person, in relation to land comprised in an order, if—
      - (a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, or
      - (b) he falls within subsection (2A).
    - (2A) A person falls within this subsection if he is—
      - (a) a person to whom the acquiring authority would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or
      - (b) a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry.
    - (2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection).”
- (6) For section 13 (confirmation of compulsory purchase order) there are substituted the following sections—

**“13 Confirmation of order: no objections**

- (1) The confirming authority may confirm a compulsory purchase order with or without modifications if it is satisfied—
  - (a) that the notice requirements have been complied with, and
  - (b) that one of the conditions in subsection (2) is satisfied.
- (2) The conditions are—
  - (a) no relevant objection is made;
  - (b) every relevant objection made is either withdrawn or disregarded.
- (3) The confirming authority may require every person who makes a relevant objection to state the grounds of the objection in writing.
- (4) If the confirming authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.
- (5) The notice requirements are the requirements under sections 11 and 12 to publish, affix and serve notices in connection with the compulsory purchase order.
- (6) A relevant objection is an objection by a person who is a qualifying person for the purposes of section 12(2), but if such a person qualifies only by virtue of section 12(2A)(b) and the confirming authority thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.

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- (7) Disregarded means disregarded under subsection (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.

### **13A Confirmation of order: remaining objections**

- (1) This section applies to the confirmation of a compulsory purchase order if a relevant objection is made which is neither—
- (a) withdrawn, nor
  - (b) disregarded,
- (a remaining objection).
- (2) The confirming authority may proceed under the written representations procedure—
- (a) if the order is not subject to special parliamentary procedure,
  - (b) in the case of an order to which section 16 applies, if a certificate has been given under subsection (2) of that section, and
  - (c) if every person who has made a remaining objection consents in the prescribed manner.
- (3) If subsection (2) does not apply or if the confirming authority decides not to proceed under that subsection, it must either—
- (a) cause a public local inquiry to be held, or
  - (b) give every person who has made a remaining objection an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose.
- (4) If a person who has made a remaining objection takes the opportunity to appear before a person appointed under subsection (3)(b) the confirming authority must give the acquiring authority and any other person it thinks appropriate the opportunity to be heard at the same time.
- (5) The confirming authority may confirm the order with or without modifications if it has considered the objection and either —
- (a) it has followed the written representations procedure, or
  - (b) in a case which falls within subsection (3), if an inquiry was held or a person was appointed under subsection (3)(b), it has considered the report of the person who held the inquiry or who was so appointed.
- (6) The written representations procedure is such procedure as is prescribed for the purposes of this section including provision affording an opportunity to—
- (a) every person who has made a remaining objection,
  - (b) the acquiring authority, and
  - (c) any other person the confirming authority thinks appropriate,
- to make written representations as to whether the order should be confirmed.
- (7) Relevant objection and disregarded must be construed in accordance with section 13.

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### **13B Written representations procedure: supplementary**

- (1) This section applies where the confirming authority decides under section 13A to follow the written representations procedure.
- (2) The confirming authority may make orders as to the costs of the parties to the written representations procedure, and as to which party must pay the costs.
- (3) An order under subsection (2) may be made a rule of the High Court on the application of any party named in the order.
- (4) The costs incurred by the confirming authority in connection with the written representations procedure must be paid by the acquiring authority, if the confirming authority so directs.
- (5) The confirming authority may certify the amount of its costs, and any amount so certified and directed to be paid by the acquiring authority is recoverable summarily by the confirming authority as a civil debt.
- (6) Section 42(2) of the Housing and Planning Act 1986 (recovery of Minister's costs in connection with inquiries) applies to the written representations procedure as if the procedure is an inquiry specified in section 42(1) of that Act.
- (7) Regulations under section 13A(6) may make provision as to the giving of reasons for decisions taken in cases where the written representations procedure is followed.

### **13C Confirmation in stages**

- (1) The confirming authority may confirm an order (with or without modifications) so far as it relates to part of the land comprised in the order (the "relevant part") if each of the conditions in subsection (2) is met.
- (2) The conditions are—
  - (a) the confirming authority is satisfied that the order ought to be confirmed so far as it relates to the relevant part but has not for the time being determined whether the order ought to be confirmed so far as it relates to the remaining part;
  - (b) the confirming authority is satisfied that the notice requirements have been complied with.
- (3) If there is a remaining objection in respect of the order, the confirming authority may only act under subsection (1) after complying with section 13A(2) or (3) (as the case may be).
- (4) But it may act under subsection (1) without complying with those provisions if it is satisfied that all remaining objections relate solely to the remaining part of the land.
- (5) If the confirming authority acts under subsection (1)—
  - (a) it must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;

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- (b) the order so far as it relates to each part of the land must be treated as a separate order.
- (6) The notices to be published, affixed and served under section 15 must include a statement as to the effect of the direction given under subsection (5)(a).
- (7) Notice requirements must be construed in accordance with section 13.
- (8) Remaining objection must be construed in accordance with section 13A.”
- (7) For section 15 there is substituted—

**“15 Notices after confirmation of order**

- (1) After the order has been confirmed, the acquiring authority must—
  - (a) serve a confirmation notice and a copy of the order as confirmed on each person on whom a notice was required to be served under section 12, and
  - (b) affix a confirmation notice to a conspicuous object or objects on or near the land comprised in the order.
- (2) The notice under subsection (1)(b) must—
  - (a) be addressed to persons occupying or having an interest in the land;
  - (b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the date when the order becomes operative.
- (3) The acquiring authority must also publish a confirmation notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.
- (4) A confirmation notice is a notice—
  - (a) describing the land;
  - (b) stating that the order has been confirmed;
  - (c) (except in the case of a notice under subsection (1)(a)) naming a place where a copy of the order as confirmed and of the map referred to there may be inspected at all reasonable hours;
  - (d) that a person aggrieved by the order may apply to the High Court as mentioned in section 23.
- (5) A confirmation notice must be in the prescribed form.”
- (8) The amendments made by this section do not apply to orders of which notice under section 11 of the 1981 Act has been published before commencement of this section.

**Commencement Information**

- I1** S. 100 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**
- I2** S. 100 in force at 31.10.2004 in so far as not already in force by [S.I. 2004/2593](#), **art. 2(a)**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2006/1061 art. 4 by [S.I. 2010/321 art. 3](#)
- specified provision(s) amendment to earlier commencing SI 2007/1369 art. 3 by [S.I. 2010/321 art. 4](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15A-15LH and cross-heading substituted for s. 15-37 and cross-heading by [2023 c. 55 Sch. 7](#)
- s. 38(2A) substituted for s. 38(2)(3) by [2023 c. 55 s. 92\(3\)](#)
- s. 38(5A)-(5C) inserted by [2023 c. 55 s. 93\(2\)](#)
- s. 38(9A) substituted for s. 38(9) by [2023 c. 55 s. 92\(4\)](#)
- s. 38(9B) inserted by [2023 c. 55 s. 93\(4\)](#)
- s. 38B(A1) inserted by [2023 c. 55 s. 98\(2\)](#)
- s. 38B(2B)(2C) inserted by [2023 c. 55 s. 98\(3\)](#)
- s. 38C(5)(d)(i)-(iii) and word substituted for words by [2023 c. 55 s. 99\(2\)](#)
- s. 39(1)(ba) inserted by [2023 c. 55 Sch. 8 para. 21\(b\)](#)
- s. 39A and cross-heading inserted by [2023 c. 55 s. 100](#)
- s. 45(A1) inserted by [2011 c. 20 Sch. 8 para. 14\(2\)](#)
- s. 113(1)(bb)-(bd) inserted by [2023 c. 55 Sch. 8 para. 23\(2\)\(a\)](#)
- s. 113(9)(f)(g) inserted by [2023 c. 55 Sch. 8 para. 23\(3\)\(c\)](#)
- s. 113(13) inserted by [2023 c. 55 Sch. 8 para. 23\(5\)](#)
- s. 122(5)(za)(zb) inserted by [2023 c. 55 Sch. 8 para. 25\(a\)](#)
- Sch. A2 para. 11(2)(da) inserted by [2023 c. 55 s. 99\(3\)\(b\)](#)
- Sch. A1 para. 2(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(3\)\(b\)](#)
- Sch. A1 para. 6(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(7\)\(b\)](#)
- Sch. A1 para. 7ZC(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(11\)\(b\)](#)
- Sch. A1 para. 7C(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(14\)\(b\)](#)
- Sch. A1 para. 8(7A) inserted by [2023 c. 55 Sch. 8 para. 26\(16\)\(g\)](#)
- Sch. A1 para. 1 substituted by [2023 c. 55 Sch. 8 para. 26\(2\)](#)
- Sch. A1 para. 2(4) substituted by [2023 c. 55 Sch. 8 para. 26\(3\)\(c\)](#)
- Sch. A1 para. 3(1) substituted by [2023 c. 55 Sch. 8 para. 26\(4\)\(a\)](#)
- Sch. A1 para. 5 substituted by [2023 c. 55 Sch. 8 para. 26\(6\)](#)
- Sch. A1 para. 6(4) substituted by [2023 c. 55 Sch. 8 para. 26\(7\)\(c\)](#)
- Sch. A1 para. 7(1) substituted by [2023 c. 55 Sch. 8 para. 26\(8\)\(a\)](#)
- Sch. A1 para. 7ZB substituted by [2023 c. 55 Sch. 8 para. 26\(10\)](#)
- Sch. A1 para. 7ZC(4) substituted by [2023 c. 55 Sch. 8 para. 26\(11\)\(c\)](#)
- Sch. A1 para. 7ZD(1) substituted by [2023 c. 55 Sch. 8 para. 26\(12\)\(a\)](#)
- Sch. A1 para. 7B substituted by [2023 c. 55 Sch. 8 para. 26\(13\)](#)
- Sch. A1 para. 7C(4) substituted by [2023 c. 55 Sch. 8 para. 26\(14\)\(c\)](#)
- Sch. A1 para. 7D(1) substituted by [2023 c. 55 Sch. 8 para. 26\(15\)\(a\)](#)
- Sch. A1 para. 10 substituted by [2023 c. 55 Sch. 8 para. 26\(18\)](#)
- Sch. A2 para. 11(2)(ca) substituted for Sch. A2 para. 11(2)(c) by [2023 c. 55 s. 99\(3\)\(a\)](#)
- Sch. A1 para. 7ZA word substituted by [2023 c. 55 Sch. 8 para. 26\(9\)](#)
- Sch. A1 para. 8(2)(a) word substituted by [2023 c. 55 Sch. 8 para. 26\(16\)\(b\)\(ii\)](#)

- Sch. A1 para. 8(3)(b) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(c)
- Sch. A1 para. 8(6) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(e)
- Sch. A1 para. 8(7) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(iii)
- Sch. A1 para. 9 word substituted by 2023 c. 55 Sch. 8 para. 26(17)
- Sch. A1 para. 13(1) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(iii)
- Sch. A1 para. 13(2) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(b)
- Sch. A1 para. 13(3) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(c)
- Sch. A1 para. 13(1) words inserted by 2023 c. 55 Sch. 8 para. 26(20)(a)(ii)
- Sch. A1 para. 3(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(4)(b)
- Sch. A1 para. 7(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(8)(b)
- Sch. A1 para. 7ZD(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(12)(b)
- Sch. A1 para. 7D(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(15)(b)
- Sch. A1 para. 2(1) words substituted by 2023 c. 55 Sch. 8 para. 26(3)(a)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(i)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(ii)
- Sch. A1 para. 4 words substituted by 2023 c. 55 Sch. 8 para. 26(5)
- Sch. A1 para. 6(1) words substituted by 2023 c. 55 Sch. 8 para. 26(7)(a)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(i)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(ii)
- Sch. A1 para. 7ZC(1) words substituted by 2023 c. 55 Sch. 8 para. 26(11)(a)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(i)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(ii)
- Sch. A1 para. 7C(1) words substituted by 2023 c. 55 Sch. 8 para. 26(14)(a)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(i)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(ii)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(i)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(ii)
- Sch. A1 para. 8(2) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(i)
- Sch. A1 para. 8(2)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(iii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(i)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(ii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(iii)
- Sch. A1 para. 8(7)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(i)
- Sch. A1 para. 8(7)(b) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(ii)
- Sch. A1 para. 11 words substituted by 2023 c. 55 Sch. 8 para. 26(19)
- Sch. A1 para. 13(1) words substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(i)