



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART V

ACQUISITION AND APPROPRIATION OF LAND AND PROVISIONS RELATED THERETO

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

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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.

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

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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.—

- (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

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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 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.