



# 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

### *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 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.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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.
- (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.