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## SCHEDULES

### FIRST SCHEDULE

Sections 1, 3 and 47.

#### APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AND DIVERSION AUTHORISATIONS

##### Modifications etc. (not altering text)

- C1** Sch. 1: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)  
Sch. 1: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

### PART I

#### APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AUTHORISATIONS

- 1 An application for the grant of a pipe-line construction authorisation must be made to the Minister in writing and must—
- (a) state the name and address of the person who will be the owner of the proposed pipe-line;
  - (b) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of [F1 1 in 10,560]) on which is delineated the route between those points which, subject to lateral deviation therefrom within such limits (if any) as may be specified in the authorisation, it is to take;
  - (c) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained;
  - (d) state what is proposed to be conveyed in the proposed pipe-line;
  - (e) contain such other (if any) particulars as may be prescribed.

##### Textual Amendments

- F1** Words in Sch. 1 para. 1(b) substituted (1.1.1995) by S.I. 1992/449, reg. 2(2)(a)(ii)

- 2 Where an application for the grant of a pipe-line construction authorisation is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to grant the application or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.

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- 3 (1) Where an applicant for the grant of a pipe-line construction authorisation is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely—
- (a) there must be published by the applicant in the Gazette and thereafter also in such other manner as the Minister may direct (being the manner appearing to him to be best calculated for informing persons inhabiting land in the vicinity of the route to be taken by the proposed pipe-line) a notice stating that application has been made to the Minister for the grant of the authorisation, naming a place where a copy of the map that accompanied the application can be inspected and stating the time (not being less than twenty-eight days from the date of the happening of the relevant event) within which, and the manner in which, objections to the application can be sent to the Minister;
  - (b) a like notice must be served by the applicant on every local planning authority in whose area any part of the route of the proposed pipe-line will lie and on such (if any) other persons as may be specified by the Minister.
- (2) In the foregoing sub-paragraph “relevant event” means, in relation to a notice published in compliance with the requirement of head (a), the publication or first publication of the notice in the manner directed by the Minister, and, in relation to a notice served in compliance with the requirement of head (b), the service of the notice, and “the Gazette” means—
- (a) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in England and Wales, the London Gazette;
  - (b) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in Scotland, the Edinburgh Gazette;
  - (c) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette.

**Modifications etc. (not altering text)**

**C2** Sch. 1 para. 3 extended by S.I. 1990/442, art. 7(2)

- [<sup>F24</sup> (1) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under paragraph 3 of this Schedule and an objection is duly made by a local planning authority in accordance with a notice under that paragraph and is not withdrawn, the Secretary of State shall before granting the application either—
- (a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry; or
  - (b) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.
- (2) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under paragraph 3 of this Schedule and an objection is duly made by a person other than a local planning

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authority in accordance with a notice under that paragraph and is not withdrawn, the Secretary of State shall before granting the application—

- (a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry;
- (b) afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose and consider the report of the person so appointed; or
- (c) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.]

#### Textual Amendments

**F2** Paras. 4, 4A substituted (3.4.1999) for para. 4 of the First Schedule by S.I. 1999/742, arts. 1, 2, Sch. para. 4(1) (with art. 3)

- <sup>F3</sup>4A (1) Where the Secretary of State decides under paragraph 4 above to consider an objection to an application under the written representations procedure, he shall give notice to the applicant and to every person who has made an objection to the application that, unless he receives a notice under sub-paragraph (2) below, the objection will be considered by written representations.
- (2) The written representations procedure shall not apply to an objection to an application if either the applicant or any person who has made an objection to that application gives the Secretary of State notice, no later than 28 days from the date on which the notice under sub-paragraph (1) above is served on him, that he does not wish to proceed by way of written representations.
- (3) On receiving a notice under sub-paragraph (2) above, the Secretary of State shall give notice to the applicant and to every person who has made an objection to the application that the written representations procedure will not be used and—
- (a) where a local planning authority is one of the objectors, that he will cause a public inquiry to be held in accordance with paragraph 4(1)(a) above;
  - (b) in any other case, that he will either cause a public inquiry to be held, or afford the objectors a hearing in accordance with paragraph 4(2) above.
- (4) The Secretary of State shall cease considering an objection to an application under the written representations procedure if, at any time before he has determined whether to grant the application—
- (a) the Secretary of State receives notice from the applicant or any person who has made an objection to the application to the effect that he does not wish to proceed by way of written representations; or
  - (b) the Secretary of State decides to cause a public inquiry to be held, or to afford the objectors a hearing, instead of proceeding by way of written representations.
- (5) Where an objection to an application ceases to be considered under the written representations procedure by virtue of sub-paragraph (4) above, the Secretary of State shall give notice to the applicant and to every person who has made an objection to the application that that procedure has ceased and—
- (a) where a local planning authority is one of the objectors, that he will cause a public inquiry to be held in accordance with paragraph 4(1)(a) above;

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- (b) in any other case, that he will either cause a public inquiry to be held, or afford the objectors a hearing in accordance with paragraph 4(2) above.
- (6) The Secretary of State may at any time before he has determined whether to grant the application direct that the written representations procedure shall apply to an objection to an application from the date of the direction, but only if the applicant and every objector to the application consents to the use of that procedure.
- (7) If a notice under sub-paragraph (5) above or a direction under sub-paragraph (6) above is given, the Secretary of State may direct that any step already taken in satisfaction of any requirement under any one of the three procedures (that is to say the public inquiry, hearing or written representations procedure) shall be deemed to any extent he thinks fit to be a step taken in satisfaction of any similar requirement under another of the procedures.

#### Textual Amendments

**F3** Paras. 4, 4A in the First Schedule substituted (3.4.1999) for para. 4 by S.I. 1999/742, arts. 1, 4(1) (with art. 3)

- 5 Where the Minister refuses an application for the grant of a pipe-line construction authorisation, he shall give to the applicant a written statement of his reasons for so doing.
- 6 (1) A pipe-line construction authorisation may authorise the execution of works for the placing of the proposed pipe-line along the route delineated on the map whereof copies accompanied the application for the grant of the authorisation [<sup>F4</sup>or, subject to paragraph 6A below, along a modified route].
- (2) A pipe-line construction authorisation may specify limits within which lateral deviation from the route to be taken by the proposed pipe-line is permissible.

#### Textual Amendments

**F4** Words substituted by Petroleum Act 1987 (c. 12, SIF 86), s. 25(2)

- [<sup>F5</sup>6A (1) A pipe-line construction authorisation shall not authorise the execution of works for the placing of the proposed pipe-line along a modified route unless the applicant has given a notice relating to the modified route to—
- (a) every local planning authority within whose area any modification of the route occurs, and
- (b) any person specified by the Minister.
- (2) A notice under sub-paragraph (1) shall state the time within which objections to the modification can be sent to the Minister and shall contain such other particulars as the Minister may direct.
- (3) The time stated in accordance with sub-paragraph (2) shall not be less than 28 days from the date on which the notice is served or such shorter time (being not less than 14 days) as the Minister may direct.
- [ Where a local planning authority makes an objection in accordance with a notice <sup>F6</sup>(4) under sub-paragraph (1) and does not withdraw it, the Secretary of State shall before granting the application either—

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- (a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry; or
  - (b) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.
- (5) Where a person other than a local planning authority makes an objection in accordance with a notice under sub-paragraph (1) and does not withdraw it, the Secretary of State shall before granting the application—
- (a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry;
  - (b) afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose and consider the report of the person so appointed; or
  - (c) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.
- (6) The provisions of paragraph 4A of this Schedule shall apply to objections to a modification as they apply to objections to an application with the necessary modifications.]]

#### Textual Amendments

**F5** Sch. 1 paras. 6A, 6B inserted by [Petroleum Act 1987 \(c. 12, SIF 86\)](#), s. 25(3)

**F6** Sch. 1 para. 6A(4)(5)(6) substituted (3.4.1999) for para. 6A(4) and (5) by [S.I. 1999/742](#), art. 2, [Sch.](#), para. 4(2)

- 6B The Minister may if he thinks fit cause a public inquiry to be held with respect to an application for the grant of a pipe-line construction authorisation whether or not any objection to the application, or to any modification of the route proposed in it, is made or maintained.
- 7 There shall be annexed to every pipe-line construction authorisation a map (whereof the scale shall be not less than that of [<sup>F7</sup>1 in 10,560]) on which is delineated the route along which the proposed pipe-line is authorised to be placed by means of the execution of works whose execution is authorised by the authorisation.

#### Textual Amendments

**F7** Words in [Sch. 1 para. 7](#) substituted (1.1.1995) by [S.I. 1992/449](#), [reg. 2\(2\)\(a\)\(ii\)](#)

- 8 In this Part of this Schedule “local planning authority” means an authority which for the purposes of [<sup>F8</sup>the <sup>M1</sup>Town and Country Planning Act 1971 or the <sup>M2</sup>Town and Country Planning (Scotland) Act 1972], is a local planning authority.

#### Textual Amendments

**F8** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17 (2)(a)

#### Marginal Citations

**M1** 1971 c. 78.

**M2** 1972 c. 52.

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- [<sup>F9</sup>8A (1) Where no notice has been received under paragraph 4A(2) above and an objection to an application is to be considered by the written representations procedure, the Secretary of State shall (if he has not already done so) serve a copy of the objection on the applicant and shall give notice to the applicant and to the person who has made the objection that–
- (a) the application will be considered by the written representations procedure, and
  - (b) the applicant may, no later than 28 days from the date on which the notice is served on him, submit written representations to the Secretary of State on the objection.
- (2) The Secretary of State shall, no later than 7 days from the last day on which the applicant could submit representations under sub-paragraph (1) above–
- (a) serve a copy of any representations made by the applicant under that sub-paragraph on the person who made the objection to which the representations relate; and
  - (b) notify that objector that he may, no later than 21 days from the date on which the notice is served on him, submit a written response to the representations to the Secretary of State.
- (3) The Secretary of State shall serve a copy of any response received from the objector under sub-paragraph (2) above on the applicant no later than 7 days from the last day on which the objector could respond.
- (4) The Secretary of State may, at any time before determining the application, by notice require the applicant or any objector to submit, within such reasonable time as the notice may specify, such further information in relation to an application or objection as the notice may specify and shall, in such a case, not determine the application until he has afforded to any person he considers affected by such further information a reasonable opportunity of commenting upon it.
- (5) The Secretary of State may allow further time for the taking of any step under this paragraph (including a step to be taken by himself) and all references in this paragraph to a period within which any step is required to be taken shall be construed accordingly.]

.....

**Textual Amendments**  
**F9** Sch. 1 Para. 8A added (3.4.1999) by S.I. 1999/742, arts. 1, 2, Sch. para. 4(3) (with art. 3)

**PART II**

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR PIPE-LINE DIVERSION AUTHORISATIONS

<sup>F10</sup>9 .....

.....

**Textual Amendments**  
**F10** Sch. 1 Pt. II repealed (3.4.1999) by S.I. 1999/742, arts. 1, 2, Sch. para. 4(4)



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## SECOND SCHEDULE

Sections 11, 12 <sup>[F11]</sup>, 12A] and 47.

### APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS AND COMPULSORY RIGHTS ORDERS

#### Textual Amendments

**F11** Word in Sch. 2 inserted (21.3.2012) by Energy Act 2011 (c. 16), ss. 108(5)(a), 121(1); S.I. 2012/873, art. 2(b)(iii)

#### Modifications etc. (not altering text)

**C3** Sch. 2 (except para. 8): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)  
Sch. 2: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, Sch. para. 1 (with art. 8)

## PART I

### APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS

- 1 An application for a compulsory purchase order must be made to the Minister in writing and must—
- (a) state the name and address of the person in whose favour the order whose making is sought by the application is to be made;
  - (b) be accompanied by three copies of a map (whereof the scale shall be not less than that of <sup>[F12]</sup>1 in 10,560]) on which are delineated the boundaries of the land proposed to be comprised in the order;
  - (c) contain such other (if any) particulars as may be prescribed.

#### Textual Amendments

**F12** Words in Sch. 2 para. 1(b) substituted (1.1.1995) by S.I. 1992/449, reg. 2(a)(iii)

- 2 Where an application for a compulsory purchase order is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to make the order or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.
- 3 Where an applicant for a compulsory purchase order is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements of this sub-paragraph (and, where subsection (1) of section fifty-one of this Act applies, with the requirement specified therein) shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely,—
- (a) there must be published by the applicant in two successive weeks in one or more local newspapers circulating in the locality in which the land proposed to be comprised in the order is situate a notice in the prescribed form stating that application has been made to the Minister for the making of the order, describing the land, naming a place in the locality where a copy of the map that accompanied the application may be inspected, and specifying the time (not being less than twenty-eight days from the date on

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which the notice is first published) within which and the manner in which objections to the application may be made to the Minister;

- (b) there must be served by the applicant on <sup>F13</sup>every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land proposed to be comprised in the order<sup>F13</sup>every person—

- (iii) who the applicant thinks is likely to be entitled to make a claim for compensation under section 10 of that Act if the order is confirmed and the compulsory purchase takes place, so far as he is known to the applicant after making diligent inquiry,]]

a notice in the prescribed form stating the effect of the order and that application for the making thereof has been made to the Minister, and specifying the time (not being less than twenty-eight days from the date on which the notice is served) within which and the manner in which objection to the application may be made to the Minister.

#### Textual Amendments

**F13** Words in Sch. SECOND para. 3(b) substituted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#) , art. 1(1) , [Sch. para. 4\(4\)\(a\)](#) (with art. 1(3) )

- 4 (1) Where the proper notices concerning an application for the making of a compulsory purchase order have been published and served under the last foregoing paragraph, and an objection to the application is duly made by <sup>F14</sup>any such owner, lessee or occupier as aforesaid<sup>F14</sup>any such person as is mentioned in paragraph 3(b)] and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.
- (2) If <sup>F14</sup>any such owner, lessee or occupier as aforesaid<sup>F14</sup>any such person as is mentioned in paragraph 3(b)] by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the applicant for the order, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
- (3) Notwithstanding anything in the two last foregoing sub-paragraphs, the Minister may require <sup>F15</sup>any such owner, lessee or occupier as aforesaid<sup>F15</sup>any such person]] who has made an objection to state in writing the grounds thereof, and may disregard for the purposes of this paragraph an objection made by <sup>F15</sup>any such owner, lessee or occupier as aforesaid<sup>F15</sup>any such person]] if he is satisfied that the objection relates exclusively to matters which can be dealt with by <sup>F16</sup>, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland] .
- (4) In relation to Scotland any inquiry required by sub-paragraph (1) of this paragraph shall, if the Minister so directs, be held by Commissioners under the <sup>M3</sup>Private Legislation Procedure (Scotland) Act 1936, and where any direction is so given—



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- (a) it shall be deemed to have been given under section two, as read with section ten, of the <sup>M4</sup>Statutory Orders (Special Procedure) Act 1945;
- (b) the publication and service under the last foregoing paragraph of the proper notices concerning the application for the making of the order shall be deemed to be sufficient compliance with the requirements of subsection (1) of the said section two with regard to the giving of notice by advertisement; and
- (c) subsection (2) of section forty-seven of this Act shall not apply to such inquiry.

#### Textual Amendments

- F14** Words in Sch. 2 para. 4(1)(2) substituted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#), art. 1(1), **Sch. para. 4(4)(b)(i)** (with art. 1(3))
- F15** Words in Sch. 2 para. 4(3) substituted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#), art. 1(1), **Sch. para. 4(4)(b)(ii)** (with art. 1(3))
- F16** Words in Sch. 2 para. 4(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. 50** (with Sch. 5)

#### Marginal Citations

- M3** 1936 c. 52.  
**M4** 1945 c. 18.

- 5 Where the Minister refuses to make a compulsory purchase order, he shall give to the applicant therefor a written statement of his reasons for so doing.
- 6 A compulsory purchase order may be made with or without modification as regards the land sought to be comprised therein, but shall not, unless all persons interested consent, be so made as to authorise the person in whose favour it is made to purchase any land which the order would not have authorised that person to purchase if it had been made without modification.
- 7 (1) There shall be annexed to every compulsory purchase order a map (whereof the scale shall be not less than that of <sup>F17</sup>1 in 10,560] on which is plainly delineated the boundaries of the land comprised in the order.
- (2) So soon as may be after a compulsory purchase order has been made the person in whose favour it has been made shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situate a notice in the prescribed form, describing the land, stating that the order has been made and naming a place where a copy of the order and of the map annexed thereto may be inspected at all reasonable hours, and shall serve a like notice, a copy of the order and a copy (on the same scale) of the map annexed to the order on every person who is an owner, lessee or occupier of any land comprised in the order.
- <sup>F18</sup>(3) Sub-paragraphs (4) to (6) apply if—
- (a) a compulsory purchase order authorises the compulsory acquisition of land in England or Wales, and
  - (b) the person in whose favour the order is made is a person to whom section 1 of the Compulsory Purchase (Vesting Declarations) Act 1981 applies.

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- (4) The person in whose favour the compulsory purchase order has been made must serve the notice mentioned in sub-paragraph (2) on any person who, if Part 2 of the Acquisition of Land Act 1981 applied to the acquisition, would be entitled to a notice under section 12 of that Act (notice to owners, lessees and occupiers).
- (5) The notice must—
- (a) contain a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and
  - (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of that Act in relation to the land (a “claimant”) to give the person in whose favour the compulsory purchase order has been made information about the claimant’s name, address and interest in land, using a prescribed form.
- (6) The person in whose favour the compulsory purchase order has been made must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.]

#### Textual Amendments

- F17** Words in Sch. 2 para. 7(1) substituted (1.1.1995) by [S.I. 1992/449, reg. 2\(2\)\(iii\)](#)
- F18** Sch. 2 para. 7(3)-(6) inserted (E.W.) (2.2.2017) by [The Housing and Planning Act 2016 \(Compulsory Purchase\) \(Corresponding Amendments\) Regulations 2017 \(S.I. 2017/16, reg. 1\(2\), Sch. para. 1\(2\) \(with Sch. para. 1\(4\)\)](#)

- 8 Where application is made to the Minister for the making of a compulsory purchase order applicable to land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the time specified in the notice published, as regards that application, in pursuance of sub-paragraph (a) of paragraph 3 of this Schedule that Minister is satisfied—
- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
  - (b) that an interest in any of the said land is held for those purposes,
- the order shall not be made so as to authorise the purchase of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- (i) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
  - (ii) that, if purchased, it can be replaced by other land belonging to, or available for acquisition by, the undertakers without such detriment as aforesaid,
- and certifies accordingly.
- 9 (1) If a person aggrieved by a compulsory purchase order (not being one confirmed by Act of Parliament under section six of the <sup>M5</sup>Statutory Orders (Special Procedure) Act 1945, or under subsection (4) of section two, as read with section ten, of that Act) desires to question the validity thereof or of any provision contained therein on the ground that the making of the order or the inclusion of that provision was not authorised by this Act or on the ground that any requirement of this Act or of any regulation thereunder has not been complied with in relation to the order, he may, within six weeks from the date on which the order becomes operative under the said

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Act of 1945, make an application for the purpose to the High Court or the Court of Session, as the case may be.

- (2) On an application under the foregoing sub-paragraph, the court—
  - (a) may, by interim order, suspend the operation of the order whose validity is questioned, or of any provision of that order, either generally or so far as it affects any property of the applicant or a part of any such property, until the final determination of the proceedings; and
  - (b) if satisfied that the making of the order whose validity is questioned or the inclusion of any provision therein was not authorised by this Act or that the interests of the applicant have been substantially prejudiced by failure to comply in relation to the order with any such requirement as aforesaid, may quash the order, or any provision thereof, either generally or so far as it affects any property of the applicant or a part of any such property.
- (3) Except as provided by this paragraph a compulsory purchase order shall not, either before or after it is made, be questioned in any legal proceedings whatever.

#### Marginal Citations

M5 1945 c. 18.

## PART II

### MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR GRANT OF COMPULSORY RIGHTS ORDERS

- 10 (1) The modifications subject to which Part I of this Schedule has effect as applied by [F19sections 12(3) and 12A(6)] are those set out in the following provisions of this paragraph.
- (2) For references to a compulsory purchase order there shall be substituted references to a compulsory rights order.
- (3) There shall be included amongst the requirements with which, by virtue of paragraph 1, the application must comply a requirement that it shall state what rights are sought to be obtained by the application.
- (4) There shall be included amongst the particulars to be included in a notice published in pursuance of paragraph 3 particulars of the rights sought to be obtained by the application.
- (5) For paragraph 6 there shall be substituted the following paragraph:—
  - “6 A compulsory rights order may be made with or without modification as regards the land sought to be comprised therein or the nature of the rights for the exercise of which authorisation is sought by the order but shall not, unless all persons interested consent, be so made as to authorise the person in whose favour it is made to exercise any right which the order would not have authorised him to exercise if it had been made without modification or to exercise rights in relation to any land in relation to which the order would not have authorised him to exercise rights if it had been so made.”

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(6) There shall be included amongst the particulars to be included in a notice published in pursuance of sub-paragraph (2) of paragraph 7 a statement of the rights of which the exercise is authorised by the order.

[<sup>F20</sup>(6A) Sub-paragraphs (3) to (6) of paragraph 7 shall be omitted.]

(7) In paragraph 8, for the words from “the order shall not be made” to the end of the paragraph there shall be substituted the words “the order shall not be made so as to authorise the exercise of a right over any land as to which that Minister is satisfied as aforesaid unless he is also satisfied—

(a) that the nature and situation of the land are such that the exercise thereover of that right will not cause serious detriment to the carrying on of the undertaking, or

(b) that such conditions will be attached to the order under section thirteen of this Act as will ensure that the exercise over the land of that right will not cause such serious detriment as aforesaid,

and certifies accordingly ”.

**Textual Amendments**  
**F19** Words in Sch. 2 para. 10(1) substituted (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), **ss. 108(5)(b)**, 121(1); S.I. 2012/873, art. 2(b)(iii)  
**F20** Sch. 2 para. 10(6A) inserted (E.W.) (2.2.2017) by [The Housing and Planning Act 2016 \(Compulsory Purchase\) \(Corresponding Amendments\) Regulations 2017 \(S.I. 2017/16\)](#), reg. 1(2), **Sch. para. 1(3)** (with Sch. para. 1(4))

THIRD SCHEDULE

Section 11.

PROVISIONS FOR RENDERING COMPULSORY PURCHASE ORDERS EFFECTUAL. &C.

1, 2. . . . . <sup>F21</sup>

**Textual Amendments**  
**F21** Sch. 3 paras. 1, 2 repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), **Sch. 8 Pt. I**

3 In determining a question with respect to compensation claimed in consequence of the making of a compulsory purchase order [<sup>F22</sup>, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland] shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land comprised in the order or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably

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necessary and was undertaken with a view to obtaining compensation or increased compensation.

#### Textual Amendments

**F22** Words in Sch. THIRD para. 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. 51 (with Sch. 5)

- 4 In the application of this Schedule to Scotland, for references to the <sup>M6</sup>Lands Clauses Consolidation Act 1845, and to sections eighty-five, eighty-eight, ninety-two, one hundred and fifty and one hundred and fifty-one thereof, there shall be substituted respectively references to the <sup>M7</sup>Lands Clauses Consolidation (Scotland) Act 1845, and to sections eighty-four, eighty-six, ninety, one hundred and forty-two and one hundred and forty-three thereof.

#### Marginal Citations

**M6** 1845 c. 18.

**M7** 1845 c. 19.

## FOURTH SCHEDULE

[<sup>F23</sup>Sections 12 and 12A].

### ANCILLARY RIGHTS THAT MAY BE CONFERRED BY A COMPULSORY RIGHTS ORDER

#### Textual Amendments

**F23** Words in Sch. 4 substituted (21.3.2012) by Energy Act 2011 (c. 16), ss. 108(6), 121(1); S.I. 2012/873, art. 2(b)(iii)

- 1 A right for any person authorised by the person for whose benefit the compulsory rights order enures to pass over the land comprised in the order for the purpose of getting to or from the pipe-line on foot or with vehicles, and, where the right specified by the order is one of passing with vehicles, to transport materials, plant and apparatus therein.
- 2 A right to place, continue or renew markers for indicating the position of the pipe-line in so far as it is placed below the surface of the land comprised in the order.
- 3 A right to erect stiles, gates, bridges or culverts for the facilitation of access to the pipe-line.
- 4 A right to construct such works accessory to the pipe-line as may be specified in the order, being works for the facilitation of maintenance or inspection of the pipe-line or for protecting it from damage.
- 5 A right temporarily to place on the land comprised in the order materials, plant or apparatus required in connection with the pipe-line and brought on to the land by a vehicle in pursuance of such a right as is mentioned in paragraph 1 of this Schedule.

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F24F24 FIFTH SCHEDULE

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**Textual Amendments**

**F24** Sch. 5 repealed by S.I. 1974/1986, Sch. 1

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F24



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**Changes to legislation:**

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