
STATUTORY INSTRUMENTS

1994 No. 2145

ACQUISITION OF LAND

The Compulsory Purchase of Land Regulations 1994

Made - - - - 11th August 1994

Coming into force - - 1st October 1994

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred upon them by sections 7(2)(1), 10(2), 11(1), 12(1), 15 and 22 of, and paragraphs 2(1), 3(1) and 6 of Schedule 1 and paragraph 9 of Schedule 3 to, the Acquisition of Land Act 1981(2), and of all other powers enabling them in that behalf hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Compulsory Purchase of Land Regulations 1994, and shall come into force on 1st October 1994.

Interpretation

2. In these Regulations—

“the Act” means the Acquisition of Land Act 1981;

“clearance compulsory purchase order” means a compulsory purchase order made pursuant to section 290 of the Housing Act 1985(3);

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(4);

“the Planning Act” means the Town and Country Planning Act 1990(5);

and any reference to a numbered form is a reference to the form bearing that number in the Schedule hereto, or a form adapted therefrom as required to meet the circumstances of a particular case, or to a form substantially to the like effect as that form, whether adapted or not.

(1) See definition of “prescribed”.

(2) 1981 c. 67.

(3) 1985 c. 68; Part IX of the Act is amended by Part II of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).

(4) 1990 c. 9.

(5) 1990 c. 8.

Prescribed forms in connection with compulsory purchase orders

3. The prescribed forms in relation to the provisions of the Act mentioned below are as follows—
- (a) for the purposes of section 10, the form of compulsory purchase order (other than a clearance compulsory purchase order) shall be—
 - (i) Form 1; or
 - (ii) if the order provides for the vesting of land given in exchange pursuant to section 19 or paragraph 6 of Schedule 3 (commons, open spaces etc.), Form 2; or
 - (iii) if the order does not provide for the vesting of land given in exchange pursuant to section 19 or paragraph 6 of Schedule 3, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 3;
 - (b) for the purposes of section 10, the form of a clearance compulsory purchase order shall be—
 - (i) Form 4; or
 - (ii) if the order provides for the vesting of land given in exchange pursuant to section 19 or paragraph 6 of Schedule 3 (commons, open spaces etc.), Form 5; or
 - (iii) if the order does not provide for the vesting of land given in exchange pursuant to section 19 or paragraph 6 of Schedule 3, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 6;
 - (c) for the purposes of section 11(1) and paragraph 2(1) of Schedule 1, the form of newspaper notice shall be Form 7;
 - (d) subject to regulation 4 below, for the purposes of section 12(1) and paragraph 3(1) of Schedule 1, the form of notice to owners, lessees and occupiers shall be Form 8, or if the order is made on behalf of a council, Form 9;
 - (e) for the purposes of section 15 and paragraph 6 of Schedule 1, the form of notice of making (in the case of an order made by a Minister) or notice of confirmation of a compulsory purchase order in the case of an order confirmed by a Minister shall be Form 10;
 - (f) for the purposes of section 22 and paragraph 9 of Schedule 3, the form of newspaper notice stating that a certificate has been given under section 16 or 19 of, or paragraph 3 or 6 of Schedule 3 to, the Act shall be Form 11.

Additional provisions with respect to listed buildings

4. Where a compulsory purchase order is made under section 47 of the Listed Buildings Act (compulsory acquisition of listed buildings in need of repair), there shall be included in Form 8, after the end of paragraph 2, the additional paragraphs set out after the notes to that Form, as follows—

- (a) the additional paragraph numbered 3 shall be included in every case;
- (b) the additional paragraph numbered 4 shall be included in any case where the notice is required by section 50(3) of the Listed Buildings Act (minimum compensation in the case of a building deliberately left derelict) to include a statement that the authority or Minister has included a direction for minimum compensation;
- (c) the additional paragraph numbered 5 shall be included in every case;

and the remaining paragraphs shall be re-numbered as necessary.

Revocation

5. The Compulsory Purchase of Land Regulations 1990(6) are hereby revoked.

Signed by authority of the Secretary of State for the Environment

5th August 1994

Paul Beresford
Parliamentary Under-Secretary of State,
Department of the Environment

Signed by authority of the Secretary of State for Wales

11th August 1994

Gwilym Jones
Parliamentary Under-Secretary of State, Welsh
Office

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Form 10

Notice of making or confirmation of a compulsory purchase order.

Form 11

Newspaper notice of the giving of a certificate under section 16 or 19 of, or paragraph 3 or 6 of Schedule 3 to, the Acquisition of Land Act 1981.

Signature

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Explanatory Note
Regulation 3(a)(i)

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FORM 1

FORM OF COMPULSORY PURCHASE ORDER

[TITLE OF ORDER] (a)

The Act (b)
and the Acquisition of Land Act 1981

[The Acts(s)(b)]

The order:— (c) (in this order called “the acquiring authority”) hereby make the following

1. Subject to the provisions of this order, the acquiring authority are, under section of the Act (b), hereby authorised to purchase compulsorily [on behalf of the [county] [district] [parish] [community] council of](d) for the purpose of (e) [the land] [and] [the new rights over the land] described in the Schedule hereto and which land is delineated and shown (f) on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked “Map referred to in the (a)”. One duplicate of the map is deposited in the offices of the acquiring authority and the other is deposited in the offices of the (g).

2. Part[s] II [and III] of Schedule 2 to the Acquisition of Land Act 1981 [is] [are] hereby incorporated with this order subject to the modifications that .] (h)

SCHEDULE

Number on map (k)	Extent, description and situation of the land (m)	Owners or reputed owners (k)	Lessees or reputed lessees (k)	Occupiers (except tenants for a month or less) (k)
(1)	(2)	(3)	(4)	(5)

[(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely—

Number on map Special category (o)]

Date (q)
[Attestation Clause]

For Notes on the use of this Form see after Form 3.

Regulation 3(a)(ii)

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FORM 2

FORM OF COMPULSORY PURCHASE ORDER PROVIDING FOR THE VESTING OF EXCHANGE LAND

[TITLE OF ORDER] (a)

The Act (b)
and the Acquisition of Land Act 1981

[The Acts(s)(b)]

The (c) (in this order called "the acquiring authority") hereby make the following order:—

1. Subject to the provisions of this order, the acquiring authority are, under section of the Act (b), hereby authorised to purchase compulsorily [on behalf of the [county] [district] [parish] [community] council of (d)]
 - (i) for the purpose of (e) [the land] [and] [the new rights over the land] described in Schedule 1 hereto and which land is delineated and shown (f) on the map prepared in duplicate sealed with the common seal of the (c) and marked "Map referred to in the (a)", and
 - (ii) for the purpose of giving in [part] exchange for [the new rights] [and] [the land] referred to in paragraph (i) above the land described in Schedule 2 and delineated and shown (f) on the said map. (j)

One duplicate of the map is deposited in the offices of the acquiring authority the other is deposited in the offices of the (g).

[2. Part(s) II [and III] of Schedule 2 to the Acquisition of Land Act 1981 [is] [are] hereby incorporated with this order, subject to the modifications that .] (h)

[3. (1) In this paragraph "the order land" means the land [numbered] [described] (r) in Schedule 1 hereto and "the exchange land" means the land described in Schedule[s] [2] [and] [3] (r) hereto.

(2) As from the date on which this order becomes operative, the date on which any part of the order land is vested in the acquiring authority, or the date on which the exchange land is vested in the acquiring authority, whichever is the latest, the exchange land shall vest in the person[s] in whom the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to the order land; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.] (s)

[or]

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- [3.(1)(a) This paragraph applies where different parts of the order land are vested in different persons. In this paragraph “the order land” means the land [numbered] [described] (r) in Schedule 1 hereto and “the exchange land” means the land described in Schedule[s] [2] [and] [3] (r) hereto.
- (b) For the purposes of this paragraph a plot of the order land corresponds to the plot of the exchange land next to the description of which in Schedule[s] [2] [and] [3] (r) hereto the number of that plot is placed.
- (2)(a) In relation to each plot of the order land and the corresponding plot of the exchange land, as from the latest of the dates mentioned in sub-paragraph 2(b) of this paragraph, the corresponding plot of the exchange land shall vest in the person[s] in whom that plot of the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to that plot of the order land, and that plot of the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.
- (b) The dates referred to in sub-paragraph 2(a) of this paragraph are:–
- (i) the date on which this order becomes operative;
 - (ii) the date on which the plot of the order land is vested in the acquiring authority;
 - (iii) the date on which the corresponding plot of the exchange land is vested in the acquiring authority.] (s)

[4. (1) In this paragraph “the rights” means the new rights described [at number] in Schedule 1 hereto, “the rights land” means the land over which those rights are to be acquired, and “the additional land” means the land described in Schedule[s] [2] [and] [3] (r) hereto.

(2) As from the date on which this order becomes operative, the date on which the rights are vested in the acquiring authority or the date on which the additional land is vested in the acquiring authority, whichever is the latest, the additional land shall vest in the persons in whom the rights land is vested and subject to the like rights trusts and incidents as attach to the rights land apart from this order; and the rights land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of the rights.]

[or]

- [(2)(a) This sub-paragraph applies where different parts of the rights land are vested in different persons, and for the purposes of this paragraph a plot of the rights land corresponds to the plot of the additional land next to the description of which in Schedule[s] [2] [and] [3] (r) hereto the number of that plot is placed.
- (b) In relation to each plot of the rights land and the corresponding plot of the additional land, as from the latest of the dates mentioned in sub-paragraph (2)(c) of this paragraph, the corresponding plot of the additional land shall vest in the person[s] in whom the plot of the rights land was vested immediately before that date, subject to the like rights, trusts and incidents as attached to that plot of the rights land, and that plot of the rights land shall thereupon be discharged from all rights trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of the rights.
- (c) The dates referred to in sub-paragraph (2)(b) of this paragraph are:–
- (i) the date on which this order becomes operative;
 - (ii) the date on which the right or rights (if more than one) in the plot of the rights land is or are vested in the acquiring authority;
 - (iii) the date on which the corresponding plot of the additional land is vested in the acquiring authority.]] (s)

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SCHEDULE 1

[LAND TO BE PURCHASED
(EXCEPT EXCHANGE LAND OR ADDITIONAL LAND)] [AND] [NEW RIGHTS] (r)

<i>Number on map (k)</i>	<i>Extent, description and situation of the land (m)</i>	<i>Owners or reputed owners (k)</i>	<i>Lessees or reputed lessees (k)</i>	<i>Occupiers (except tenants for a month or less) (k)</i>
(1)	(2)	(3)	(4)	(5)

[SCHEDULE 2 (r)]

THE [EXCHANGE] [AND] [ADDITIONAL] LAND
TO BE PURCHASED AND VESTED

<i>Number on map (k)</i>	<i>Extent, description and situation of the land (m)</i>	<i>Owners or reputed owners (k)</i>	<i>Lessees or reputed lessees (k)</i>	<i>Occupiers (except tenants for a month or less) (k)</i>	<i>In exchange for— (p)</i>
(1)	(2)	(3)	(4)	(5)	(6)]

[SCHEDULE 3]

THE [EXCHANGE] [AND] [ADDITIONAL] LAND TO BE VESTED

<i>Number on map (k)</i>	<i>Extent, description and situation of the land (m)</i>	<i>In exchange for— (p)</i>
(1)	(2)	(3)]

(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely—

Number on map *Special category (o)*

Date (q)
[Attestation Clause]

For Notes on the use of this Form see after Form 3.

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Regulation 3(a)(iii)

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FORM 3

FORM OF COMPULSORY PURCHASE ORDER PROVIDING FOR THE DISCHARGE OF RIGHTS, TRUSTS AND INCIDENTS

[TITLE OF ORDER] (a)

The Act (b)
and the Acquisition of Land Act 1981

[The Acts(s)(b)]

The (c) (in this order called "the acquiring authority") hereby make the following order:—

1. Subject to the provisions of this order, the acquiring authority are, under section of the Act (b), hereby authorised to purchase compulsorily [on behalf of the [county] [district] [parish] [community] council of (d)] for the purpose of (e) [the land] [and] [the new rights over the land] described in the Schedule hereto and which land is delineated and shown (f) on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in the (a)". One duplicate of the map is deposited in the offices of the acquiring authority and the other is deposited in the offices of the (g).

[2. Part[s] II [and III] of Schedule 2 to the Acquisition of Land Act 1981 [is] [are] hereby incorporated with this order, subject to the modifications that .] (h)

3. (1) In this paragraph "the order land" means [the land referred to in paragraph 1 hereof] [the land numbered in the Schedule hereto]. (r)

[(2) As from the date on which this order becomes operative or the date on which the order land, or any part of it, is vested in the acquiring authority whichever is the later, that land or that part of it which is vested (as the case may be) shall be discharged from all rights, trusts and incidents to which it was previously subject.] (t)

[(3) As from the date on which this order becomes operative or the date on which any new right is vested in the acquiring authority, whichever is the later, the land over which the new right is acquired shall be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of that new right.] (t)

SCHEDULE

[LAND TO BE PURCHASED] [AND] [NEW RIGHTS] (r)

Number on map (k)	Extent, description and situation of the land (m)	Owners or reputed owners (k)	Lessees or reputed lessees (k)	Occupiers (except tenants for a month or less) (k)
(1)	(2)	(3)	(4)	(5)

(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely—

Number on map Special category (o)

Date (q)
[Attestation Clause]

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NOTES ON THE USE OF FORMS 1, 2 and 3

- (a) Insert the title of the order, including in it the general area within which the order land is situated and at the end, the words "Compulsory Purchase Order" and the year in which it is made.
- (b) Insert the title and date of the Act authorising compulsory purchase. If the purpose of acquisition as stated in paragraph 1 of the order is contained in some other Act, the title of the Act (or a collective title) should be added as a sub-heading and in the order as an enabling power. In the case of orders under section 226(1) of the Town and Country Planning Act 1990 specify whichever of the paragraphs (a) or (b) is relied on and section 226(3)(a) or (b) must also be mentioned if relied on.
- (c) Insert the name of the acquiring authority.
- (d) Delete material which is inapplicable.
- (e) Describe the purpose in precise terms. Where practicable the words of the relevant Act may be used, but where those words are in general terms covering a range of purposes, the particular purpose for which the land is required should be stated.
- (f) Describe the colouring or other method used to identify the land on the map. The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly delineated. Further, the map itself should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500 or 1/1250 or 1/2500 as appropriate. If new rights are involved specify these (by description in the Schedule). If land and new rights are involved show the respective areas by different colourings on the map. If new rights are being acquired under different powers from the land specify the powers.
- (g) Insert the name of the confirming authority.
- (h) Schedule 2 to the Acquisition of Land Act 1981 ("the 1981 Act") permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required—e.g. "references in the said Parts[s] II [and III] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map". This paragraph may be omitted, or may be inserted with or without reference to Part III of Schedule 2.
- (j) Insert details of new rights and/or land to be acquired for the purposes of the order in paragraph 1(i) of and Schedule 1 to Form 2 and land to be acquired as exchange land in paragraph 1(ii) and Schedule 2. Insert or delete words in brackets as appropriate.
- (k) Column (1) need not be included where the order relates only to one parcel of land or, in the case of Schedule 2 or 3 in Form 2, there is only one parcel of exchange land. Where there are two or more parcels they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1). In the case of any land in respect of which the acquiring authority have served notice on owners, lessees and occupiers under section 6(4) of the 1981 Act, enter "unknown" in the appropriate columns (i.e. (3) (4) and (5) or whichever are applicable).
- (m) This column must contain sufficient detail to tell the reader approximately where the land is situated without reference to the map. Except in the case of orders made under the Highways Act 1980 in reliance on section 260 of that Act, if land in which the authority has an interest is shown, since the authority cannot purchase its own interest, insert "All interests in . . . except those owned by the acquiring authority". If land in which the Crown has an interest is included and the relevant statutory authority has agreed to the inclusion of the non-Crown interests under the appropriate statutory authority eg section 296 of the Town and Country Planning Act 1990 or section 83 of the Planning (Listed Buildings and Conservation Areas) Act 1990, insert in this column "All interests in . . . except those held by or on behalf of the Crown". Insert details of the relevant Crown interest in the appropriate column. If the Crown has agreed under section 327 of the Highways Act 1980 to its interests being compulsorily purchased this special wording is not appropriate.
- (n) The compulsory acquisition of land or new rights over land—
 - (i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;
 - (ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3);
 - (iii) which is held inalienably by the National Trust; or
 - (iv) forming part of a common or open space, or of a fuel or field garden allotment,
 is subject to special provisions in sections 17 to 19 of, and Part II of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. The class of excepted persons in section 17(3) is very wide and includes local authorities and urban development corporations, and thus section 17 will rarely apply.

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- (o) In the column "Special Category", state which section of the 1981 Act applies, and the description of special category land.
- (p) Insert the relevant plot number, as shown in column (1) of Schedule 1, of land in respect of which each plot of exchange land is given. If the order relates to only one parcel of land, insert "the order land".
- (q) The order must be made under seal, duly authenticated, and dated.
- (r) Insert or delete as appropriate,
- (s) In Form 2 insert paragraph 3 if land subject to common or other protected rights is being acquired for which exchange land is to be vested and/or paragraph 4 if new rights are being acquired and exchange land is to be vested for these (the first alternative paragraph 3 or 4(2) to be used where only one exchange will take place and the second alternative to be used if more than one exchange.)
- (t) In Form 3 insert sub-paragraph 3(3) instead of or in addition to sub-paragraph 3(2) as appropriate if new rights are being acquired instead of or in addition to land subject to protected rights and the protected rights are to be discharged without any land becoming vested in exchange.

Regulation 3(b)(i)

FORM 4

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER

[TITLE OF ORDER] (a)

The Housing Act 1985 and the Acquisition of Land Act 1981

The (b) (in this order called "the acquiring authority") hereby make the following order:—

1. Subject to the provisions of this order, the acquiring authority are, under section 290 of the Housing Act 1985, hereby authorised to purchase compulsorily for the purpose[s] of undertaking or otherwise securing the demolition of buildings in a clearance area [and] [securing a cleared area of convenient shape and dimensions] [and] [the satisfactory development or use of the cleared area] (c)–

- (i) the land which is described in Part I of the Schedule hereto and is delineated and shown coloured pink on the map (d) prepared in duplicate, and marked "Map referred to in the (a)", which land was included in the (e) pursuant to a resolution of the acquiring authority passed on (f); and
- (ii) the land which is described in Part II of the Schedule hereto and is delineated and shown coloured grey on the said map, which land is situated outside the (e) (s)

One duplicate of the map is deposited in the offices of the acquiring authority and the other is deposited in the offices of the (g).

[2. Parts II [and III] of Schedule 2 to the Acquisition of Land Act 1981 [is] [are] hereby incorporated with this order subject to the modifications that (h) .] (i)

<i>Number on map (j)</i>	<i>Extent, description and situation of land (k)</i>	<i>Owners or reputed owners</i>	<i>Lessees or reputed lessees</i>	<i>Occupiers (except tenants for a month or less) (5)</i>
(1)	(2)	(3)	(4)	(5)
PART I				
LANDS WITHIN THE CLEARANCE AREA				
PART II				
LANDS OUTSIDE THE CLEARANCE AREA				

<i>Number on map</i>	<i>Special category (o)]</i>
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For Notes on the use of this Form see after Form 6.

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FORM 5

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER PROVIDING FOR THE VESTING OF EXCHANGE LAND

[TITLE OF ORDER] (a)

The Housing Act 1985 and the Acquisition of Land Act 1981

The (b) (in this order called "the acquiring authority") hereby make the following order:—

1. Subject to the provisions of this order, the acquiring authority are, under section 290 of the Housing Act 1985, hereby authorised to purchase compulsorily for the purpose[s] of undertaking or otherwise securing the demolition of buildings in a clearance area [and] [securing a cleared area of convenient shape and dimensions] [and] [the satisfactory development or use of the cleared area] (c)–

- (i) the land which is described in Part I of Schedule 1 hereto and is delineated and shown coloured pink on the map (d) prepared in duplicate, and marked "Map referred to in the (a)", which land was included in the (e) pursuant to a resolution of the acquiring authority passed on (f); and
- (ii) the land which is described in Part II of Schedule 1 hereto and is delineated and shown coloured grey on the said map, which land is situated outside the (e) (s) and
- (iii) for the purpose of giving in exchange, the land which is described in Schedule 2 and is delineated and shown (r) on the said map.

One duplicate of the map is deposited in the offices of the acquiring authority and the other is deposited in the offices of the (g).

2. Part[s] II [and III] of Schedule 2 to the Acquisition of Land Act 1981 [is] [are] hereby incorporated with this order subject to the modifications that (h) .] (i)

3. (1) In this paragraph "the order land" means the land [numbered] [described] (s) in Schedule 1 hereto and "the exchange land" means the land described in Schedule[s] [2] [and] [3] (s) hereto.

(2) As from the date on which this order becomes operative, the date on which any part of the order land is vested in the acquiring authority, or the date on which the exchange land is vested in the acquiring authority, whichever is the latest, the exchange land shall vest in the person[s] in whom the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached thereto; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.] (f)

[or]

3.(1)(a) In this paragraph "the order land" means the land numbered in Schedule 1 hereto and "the exchange land" means the land described in Schedule[s] [2] [and] [3](s) hereto.

(b) For the purposes of this paragraph a plot of the order land corresponds to the plot of the exchange land next to the description of which in Schedule[s] [2] [and] [3] (s) hereto the number of that plot is placed.

(2)(a) In relation to each plot of the order land and the corresponding plot of the exchange land, as from the latest of the dates mentioned in sub-paragraph (2)(b) of this paragraph, the corresponding plot of the exchange land shall vest in the person[s] in whom that plot of the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to that plot of the order land, and that plot of the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.

(b) The dates referred to in sub-paragraph (2)(a) of this paragraph are:—

- (i) the date on which this order becomes operative;
- (ii) the date on which the plot of the order land is vested in the acquiring authority;
- (iii) the date on which the corresponding plot of the exchange land is vested in the acquiring authority.(s)

LAND TO BE PURCHASED (EXCEPT EXCHANGE LAND)

THE EXCHANGE LAND TO BE PURCHASED AND VESTED (\$)

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[SCHEDULE 3 (s)]

THE EXCHANGE LAND TO BE VESTED

<i>Number on map (j)</i>	<i>Extent, description and situation of land (k) (2)</i>	<i>In exchange for— (m) (3)]</i>
(1)		

(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely—

Number on map *Special category (o)*

Date (p)
[Attestation Clause]

For Notes on the use of this Form see after Form 6.

Regulation 3(b)(iii)

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FORM 6

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER PROVIDING FOR THE DISCHARGE OF RIGHTS, TRUSTS AND INCIDENTS

[TITLE OF ORDER] (a)

The Housing Act 1985 and the Acquisition of Land Act 1981

The (b) (in this order called "the acquiring authority") hereby make the following order:—

1. Subject to the provisions of this order, the acquiring authority are, under section 290 of the Housing Act 1985, hereby authorised to purchase compulsorily for the purpose[s] of undertaking or otherwise securing the demolition of buildings in a clearance area [and] [securing a cleared area of convenient shape and dimensions] [and] [the satisfactory development or use of the cleared area] (c)–

- (i) the land which is described in Part I of the Schedule hereto and is delineated and shown coloured pink on the map (d) prepared in duplicate, and marked "Map referred to in the (a)", which land was included in the (e) pursuant to a resolution of the acquiring authority passed on (f);
- (ii) the land which is described in Part II of the Schedule hereto and is delineated and shown coloured grey on the said map, which land is situated outside the (e).

One duplicate of the map is deposited in the offices of the acquiring authority and the other is deposited in the offices of the (g).

[2. Part[s] II [and III] of Schedule 2 to the Acquisition of Land Act 1981 [is] [are] hereby incorporated with this order subject to the modifications that (h) .] (i)

3. (1) In this paragraph "the order land" means (q) [the land referred to in paragraph 1(i) and (ii) hereof] [the land numbered in the Schedule hereto].

[(2) As from the date on which this order becomes operative or from the date on which the order land, or any of it, is vested in the acquiring authority (whichever is the later), the order land shall be discharged from all rights, trusts and incidents to which it was previously subject.] (t)

LAND TO BE PURCHASED

(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely—

Date (p)
[Attestation Clause]

For Notes on the use of this Form, see after this Form.

- (a) Insert the title of the order, including in it the general area within which the order land is situated and at the end the words "Compulsory Purchase Order" and the year in which it is made.
- (b) Insert the name of the acquiring authority.
- (c) Delete material which is inapplicable, depending on whether as well as section 290(1), section 290(2)(a) or (b) or both are applicable.

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- (d) The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly delineated. Further, the map itself should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500 or 1/1250 or 1/2500 as appropriate. If new rights are involved specify these (by description in the Schedule if appropriate). If land and new rights are involved show the respective areas by different colourings on the map.
- (e) State name of clearance area.
- (f) Give date of relevant resolution.
- (g) Insert name of confirming authority.
- (h) Schedule 2 to the Acquisition of Land Act 1981 ("the 1981 Act") permits modifications of references to "the undertaking" in that Schedule. Insert any modifications required—e.g. "references in the said Part[s] II [and III] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".
- (i) This paragraph may be omitted, or may be inserted with or without reference to Part III of Schedule 2.
- (j) Column (1) need not be included where the order relates only to one parcel of land or in the case of Schedule 2 or 3 in Form 5, there is only one parcel of exchange land. Where there are two or more parcels they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1). In the case of any land in respect of which the acquiring authority have served notice on owners, lessees and occupiers under section 6(4) of the 1981 Act, enter "unknown" in the appropriate columns (i.e. (3) (4) and (5) or whichever are applicable).
- (k) This column must contain sufficient detail to tell the reader approximately where the land is situated without reference to the map. If land in which the Crown has an interest is included, and the relevant Crown authority has agreed to the inclusion of the non-Crown interests, insert in this column "All interests in . . . except those held by or on behalf of the Crown". Insert details of the relevant Crown interest in the appropriate column.
- (m) Insert the relevant plot number, as shown in column (1) of Schedule 1, of the land in respect of which each plot of exchange land is given. If the order relates to only one plot of land, insert "the order land".
- (n) The compulsory acquisition of land—
 - (i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;
 - (ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3);
 - (iii) which is held inalienably by the National Trust; or
 - (iv) forming part of a common or open space, or of a fuel or field garden allotment,
 is subject to special provisions in sections 17 to 19 of, and Part II of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. The class of excepted persons in section 17(3) is very wide and includes local authorities, urban development corporations and housing action trusts, and thus section 17 will rarely apply.
- (o) In the column "Special Category", state which section of the 1981 Act applies, and the description of special category land.
- (p) The order must be made under seal, duly authenticated, and dated.
- (q) Adapt the form as necessary to requirements and renumber Schedules as appropriate.
- (r) Describe the colouring or other method used to identify the relevant land on the map.
- (s) Insert or delete as appropriate.
- (t) In Form 5 insert the first alternative if one exchange only is involved and the second alternative if more than one is involved. If new rights are involved, and paragraph 6 of Schedule 3 to the 1981 Act is applicable, adapt and include paragraph 4 from Form 2 or paragraph 3 from Form 3, as appropriate.

Regulation 3(c)

FORM 7

FORM OF NEWSPAPER NOTICE CONCERNING A COMPULSORY PURCHASE ORDER

[TITLE OF ORDER] (a)

COMPULSORY PURCHASE OF [LAND] [AND] [NEW RIGHTS] (g) IN (b)

Notice is hereby given that the (c) [has] [have] (d) [prepared in draft] [made] (d) the (a) under the Act (e). [He is] [They are] (d) about to [make] [submit] (d) this order [to (f) for confirmation], and if [made] [confirmed] (d), the order will authorise (c) to purchase compulsorily [on behalf of the council of (h) [the land] [and] [the new rights] (g) described below for the purpose of (i).

A copy of the order and of the accompanying map may be seen at all reasonable hours at (j).

Any objection to the order must be made in writing to (k) before (l) and should state the title of the order and the grounds of objection.

DESCRIPTION OF [LAND] [AND] [THE NEW RIGHTS] (g)
(m)

[Date and signature]

NOTES

- (a) Insert the title of the order. The title and any heading and sub-headings should be the same as in the order.
- (b) Insert the name of the area in which the land concerned is situated.
- (c) Insert the name of acquiring authority or title of the Minister who will make the order.
- (d) In the case of an order to be made by a Minister use the first alternative wording in brackets in each case and in the case of an order made by non-Ministerial authority use the second alternative wording.
- (e) Insert the title of the Act authorising compulsory purchase. The Acquisition of Land Act 1981 need not be mentioned.
- (f) Insert the name of the confirming authority, and omit the words concerning confirmation in brackets in the case of a Ministerial order.
- (g) Delete material which is inapplicable.
- (h) Insert the name of the council (if any) on behalf of which the order has been made.
- (i) Insert the purpose of the acquisition as stated in the order.
- (j) The place of deposit must be "within the locality" (see section 11(2)(c) of the 1981 Act). It should be within reasonably easy reach of persons living in the area affected.
- (k) Insert the name and address of the confirming authority in the case of a non-Ministerial order and the name and address of the Minister in the case of a Ministerial order.
- (l) Insert a date at least 21 days from the date of first publication of the notice (i.e. 21 days excluding the date of first publication).
- (m) Insert a description of all the land and/or new rights described in the order. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what land is included. If the details of the new rights are lengthy a summary may be included.

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

Regulation 3(d)

FORM 8

FORM OF NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF LAND (OR OF LAND TO BE SUBJECT TO NEW RIGHTS) COMPRISED IN A COMPULSORY PURCHASE ORDER

[TITLE OF ORDER] (a)

The Act (a)
and the Acquisition of Land Act 1981

[The Act(s)(a)]

1. The (b), in exercise of [his] [their] (c) powers under the above Acts [on 19], (d) [is about to make] [made] (c) the (e) [which is about to be submitted to the (f) for confirmation]. The order, if [made] [confirmed], (c) will authorise the (b) to purchase compulsorily, for the purpose of (g), [the land] [and] [the new rights] (j) described below.

2. A copy of the order and of the map referred to therein have been deposited at (h) and may be seen there at all reasonable hours.

3. If no objection is duly made by an owner, lessee or occupier (except a tenant for a month or less), or if all objections so made are withdrawn, or if the [Minister] [confirming authority] (c) is satisfied that every objection so made (j) [either] relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal [or amounts in substance to an objection to the provisions of the development plan defining the proposed use of any land comprised in the order] [or amounts in substance to an objection to the Scheme/Order 19] (i), the [Minister] [confirming authority] (c) may [make] [confirm] (c) the order with or without modifications.

4. In any other case where an objection has been made by an owner, lessee or occupier (except a tenant for a month or less), the [Minister] [confirming authority] (c) is required, before [making] [confirming] (c) the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the [Minister] [confirming authority] (c) for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, [make] [confirm] (c) the order with or without modifications.

5. Any objection to the order must be made in writing to (k) before (l), and should state the title of the order and the grounds of objection.

DESCRIPTION OF [LAND] [AND] [THE NEW RIGHTS] (j)
(m)

[Date and Signature]

NOTES

- (a) The title, heading and any sub-heading should be the same as in the order.
- (b) Insert the name of the acquiring authority or title of the Minister who will make the order.
- (c) When an order by a Minister is involved use first alternative words in brackets and when an order by a non-Ministerial authority is involved use the second alternative words.
- (d) Insert the date of making the order, or omit in the case of a Ministerial order.
- (e) Insert the title of the order.
- (f) Insert the name of the confirming authority. ²³ Omit these words in the case of a Ministerial order.
- (g) Insert the purpose as stated in the order.
- (h) The place of deposit must be "within the locality" (see section 11(2)(c) of the 1981 Act). It should be within reasonably easy reach of persons living in the area affected.
- (i) The words in square brackets containing the reference to the development plan are required only where the order is made under section 226 or 228 of the Town and Country Planning Act 1990.

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The words in square brackets containing the reference to “the Scheme/ Order 19 ” are required only when the order is made under highway land acquisition powers (as defined in section 250(1) of the Highways Act 1980) and the circumstances specified in section 258(1) of the Highways Act 1980 apply. In all other cases the bracketed words should be omitted.

- (j) Delete inapplicable wording.
- (k) Insert the name and address of the confirming authority in the case of a non-Ministerial order or the name and address of the Minister in the case of a Ministerial order.
- (l) Insert a date at least 21 days from the date of service of the notice (i.e. 21 days excluding the date of service).
- (m) Insert description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of new rights are lengthy a suitable summary may be included.

Additional provisions in relation to compulsory purchase orders made under section 47 of the Listed Buildings Act (n)

3. Under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any person having an interest in a listed building which it is proposed to acquire compulsorily under that section may, within 28 days after the service of this notice, apply to the magistrates’ court for an order staying further proceedings on the compulsory purchase order, and if the court is satisfied that reasonable steps have been taken for properly preserving the building, the court must make an order accordingly.

4. The (o) have included in the order a direction for minimum compensation (the meaning of which is explained (p)). Under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any person having an interest in the building may, within 28 days after the service of this notice, apply to the magistrates’ court for an order that the direction be not included in the order as [confirmed] [made] (q); and if the court is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or redevelopment of the site or any adjoining site, the court must make the order applied for.

5. Subject to any action taken under the Planning (Listed Buildings and Conservation Areas) Act 1990 (which also provides for appeals against decisions of the court) the position with respect to this order is as set out below.

NOTES

- (n) See regulation 4.
- (o) Insert the name of the acquiring authority. If the acquiring authority is a Minister, the paragraph should begin “The [Title of Minister] has included in the draft order”.
- (p) Insert a reference to the place where the meaning of “direction for minimum compensation” is explained e.g. “below” or “in the attached note”. (This explanation is required by section 50(3) of the Listed Buildings Act in any case where the direction is included in an order; it should normally include the text of section 50(4) and (5)).
- (q) Delete as appropriate.

Regulation 3(d)

FORM 9

FORM OF NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF LAND (OR OF LAND TO BE SUBJECT TO NEW RIGHTS) COMPRISED IN A COMPULSORY PURCHASE ORDER MADE ON BEHALF OF A COUNCIL

[TITLE OF ORDER] (a)

[The Local Government Act 1972] [The Highways Act 1980] (a)
and the Acquisition of Land Act 1981

[The Act(s)(a)]

1. The (c), in exercise of [his] [their] (b) powers under the above Acts on (d) 19 [made] [is about to make] (b) the (e) [which is about to be submitted to the (f) for confirmation] (b). The order, if [made] [confirmed], (b) will authorise [the Secretary of State] [the council] (b) to purchase compulsorily, on behalf of the council of for the purpose of (g), [the land] [and] [the new rights] (b) described below.

2. A copy of the order and of the map referred to therein have been deposited at (h) and may be seen there at all reasonable hours.

3. If no objection is duly made by an owner, lessee or occupier (except a tenant for a month or less), or if all objections so made are withdrawn, or if the [Minister] [confirming authority] (b) is satisfied that every objection relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal and disregards the objection the [Minister] [confirming authority] (b) may [make] [confirm] (b) the order with or without modifications.

4. In any other case where an objection has been made by an owner, lessee or occupier (except a tenant for a month or less), the [Minister] [confirming authority] (b) is required, before [making] [confirming] (b) the order, either to cause a public local inquiry to be held or to afford to any objector an opportunity of appearing before and being heard by a person appointed by the [Minister] [confirming authority] (b) for the purpose, and may then, after considering the objection and the report of the person who held the inquiry or hearing, [make] [confirm] (b) the order with or without modifications.

5. Any objection to the order must be made in writing to the (i) before (j), and should state the title of the order and the grounds of objection.

DESCRIPTION OF [LAND] [AND] [THE NEW RIGHTS] (b)
(k)

[Date and Signature]

NOTES

- (a) The title, heading and any sub-heading should be the same as in the order.
- (b) Delete material which is inapplicable.
- (c) Insert the name of the acquiring authority, or title of the Minister who will make the order.
- (d) Insert the date of making of the order.
- (e) Insert the title of the order.
- (f) Insert the name of the confirming authority (in the case of a non-Ministerial order).
- (g) Insert the purpose as stated in the order.
- (h) The place of deposit must be "within the locality" (see section 11(2)(c) of the 1981 Act). It should be within reasonably easy reach of persons living in the area affected.
- (i) Insert the title and address of the Minister in the case of a Ministerial order or confirming authority (in other cases).
- (j) Insert a date at least 21 days from the date of service of the notice (i.e. 21 days excluding the date of service).
- (k) Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary may be included.

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

Regulation 3(e)

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

FORM 10

FORM OF NOTICE OF MAKING OR CONFIRMATION OF A COMPULSORY PURCHASE ORDER

[TITLE OF ORDER] (a)

The Act (a)
and the Acquisition of Land Act 1981

[The Act(s)(a)]

1. Notice is hereby given that the (b), in exercise of [his] [their] (c) powers under the above Acts, on (d) [made] [confirmed] [with modifications] (c) the (e) [submitted by the (f)] [on behalf of the council of] (c).

2. The order as [made] [confirmed] (c) provides for the purchase for the purpose of (g) of [the land] [and] [the new rights] (c) described in [the] (c) Schedule [1] (c) hereto. [By a direction given under section (h) consideration of the order, so far as it relates to the land described in Schedule 2 hereto, has been postponed until .] (i)

3. A copy of the order as [made] [confirmed] (c) by the (b) and of the map referred to therein have been deposited at (j) and may be seen there at all reasonable hours.

4. (k). The order as [made] [confirmed] (c) becomes operative on the date on which this notice is first published; but a person aggrieved by the order may, by application to the High Court within 6 weeks from that date, question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted or (ii) that there has been a failure to comply with any relevant statutory requirement relating to the order.

[OR]

4. The order as [made] [confirmed] (c) is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a person aggrieved by the order may, by application to the High Court within 6 weeks from the operative date, question its validity on the ground (i) that the authorisation granted by the order is not empowered to be granted or (ii) that there has been a failure to comply with any relevant statutory requirement relating to the order.

SCHEDULE [1] (c)

[LAND] [AND] [THE NEW RIGHTS] (c) COMPRISED IN THE ORDER AS [MADE] [CONFIRMED] (c)

[SCHEDULE 2

LAND IN RESPECT OF WHICH CONSIDERATION HAS BEEN POSTPONED] (c)

(m)
[Date and signature]

NOTES

- (a) The title, heading and any sub-heading should be the same as in the order as made or confirmed.
- (b) Insert the name of the confirming authority (or authorities), or, if the order has been made by a Minister, the title of that Minister.
- (c) Delete material which is inapplicable.
- (d) Insert the date of making (in the case of an order made by a Minister) or confirmation (in other cases) of the order.
- (e) Insert the title of the order.
- (f) Insert the name of the acquiring authority.
- (g) Insert the purpose as stated in the order.
- (h) Insert details of relevant provision under which the direction postponing consideration has been given.
- (i) Insert the date until which consideration is postponed.
- (j) The place of deposit should be within reasonably easy reach of persons living in the area affected.
- (k) Use whichever alternative is appropriate.
- (m) Where this form is to include a statement and notification concerning general vesting declarations (in conformity with section 3(1)(a) and 3(3) of the Compulsory Purchase (Vesting Declarations) Act 1981 and Regulation 3(b) of the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990 (S.I. 1990/497)) the statement and notification should be included at this point.

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Regulation 3(f)

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

FORM 11

FORM OF NEWSPAPER NOTICE OF THE GIVING OF A CERTIFICATE UNDER SECTION 16 OR 19 OF, OR PARAGRAPHS 3 OR 6 OF SCHEDULE 3 TO, THE ACQUISITION OF LAND ACT 1981

[TITLE OF ORDER] (a)

The Acquisition of Land Act 1981

1. The (a), which has been [submitted by (b) to the
(c) for confirmation] [prepared in draft by (d)] (e), includes
[the land] [and] [the new rights] (e) described in the Schedule hereto.

2. (f) [This land] [The land over which the new rights are to be acquired] (e) was acquired by
(g) for the purposes of their undertaking and the Secretary of State is satisfied
that [it is used] [an interest is held in it] (f) for the purposes of the carrying on of their undertaking.

OR

2. [This land] [The land over which the new rights are to be acquired] [is] [forms part of] [a
common] [an open space] [a fuel or field garden allotment]. (f)

3. Notice is hereby given that the Secretary of State, in exercise of his powers under [section
[16] [19] of] [paragraph [3] [6] of Schedule 3 to] (f) the above-mentioned Act, has certified
(h).

4. A map showing the land to which the certificate relates [and the land proposed to be given
in exchange] (e) may be inspected at (i) at all reasonable hours.

5. The certificate becomes operative on the date on which this notice is first published; but a
person aggrieved by the certificate may, by application to the High Court within 6 weeks from that
date, question its validity on the ground that there has been a failure to comply with any relevant
statutory requirement relating to the certificate.

SCHEDULE

(j)

[Date and signature]

NOTES

- (a) Insert the title of the order.
- (b) Insert the name of the acquiring authority.
- (c) Insert the title of the confirming authority.
- (d) Insert the name of the authority by whom the draft has been prepared.
- (e) Delete material which is inapplicable.
- (f) Use whichever alternative is appropriate.
- (g) Insert the name of the relevant undertaker.
- (h) Insert the terms of the certificate.
- (i) The place of deposit should be within reasonably easy reach of persons living in the area affected.
- (j) Insert a description of the land (and/or new rights if any) to which the certificate relates. If the details of new rights are lengthy a suitable summary may be included.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact with amendments the Compulsory Purchase of Land Regulations 1990, and prescribe forms for use in connection with the compulsory purchase of land and new rights under the procedure for which provision is made in the Acquisition of Land Act 1981 to take account of legislative changes and to make minor changes in the drafting.

In addition references to section 27 of the Compulsory Purchase Act 1965 (now repealed) are deleted and forms are amended with regard to vesting land given in exchange for land subject to open space or other protected rights compulsorily purchased in order to vest exchange land already owned by the authority in the persons from whom the open space or other protected land is being purchased. Also provision is made for vesting in owners of such land, which is to be subject to new rights, land in exchange for the acquisition of the new rights.