
STATUTORY INSTRUMENTS

2017 No. 1329

The Boston Barrier Order 2017

PART 4

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Application of Part 1 of the 1965 Act

32.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(1) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect with the following modifications.

(3) Omit section 4 (which provides a time limit for compulsory purchase of land)(2).

(4) In section 4A(1) (extension of time limit during challenge)(3)—

- (a) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order)” substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3)(4)”; and
- (b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 43 (time limit for exercise of powers of acquisition) of the Boston Barrier Order 2017”.

(5) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 43 (time limit for exercise of powers of acquisition) of the Boston Barrier Order 2017”.

(6) In Schedule 2A(5) (counter-notice requiring purchase of land not in notice to treat) after Part 3 insert—

(1) 1981 c. 67.

(2) Section 4 was substituted by section 182(1) of the Housing and Planning Act 2016 (c. 22).

(3) Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

(4) Section 22 was amended by Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(5) Schedule 2A was inserted by paragraph 3 of Part 1 to Schedule 17 of the Housing and Planning Act 2016 (c. 22).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Boston Barrier Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 21 (protective works), 38 (temporary possession of land for construction purposes) or 39 (temporary possession of land for maintenance of works) of the Boston Barrier Order 2017.”.

Commencement Information

II Art. 32 in force at 2.1.2018, see [art. 1](#)

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

- Order excluded in part by [S.I. 2023/778 art. 41](#)