
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Neighbourhood Planning Act 2017 (c.20) (“the Act”) on 22nd September 2017.

Regulation 3(a) brings into force section 26(8)(b) of the Act which amends the definition of “acquiring authority” in section 172 of the Housing and Planning Act 2016 (c.22) (right to enter and survey land in connection with proposal to acquire land etc.) to clarify its meaning in this context.

Regulation 3(b) brings into force section 32 of the Act which inserts new sections 6A to 6E into the Land Compensation Act 1961 (c.33) (the “1961 Act”) to set out how compensation for land taken by compulsory purchase is assessed, in accordance with the no-scheme principle set out in new section 6A, to replace sections 6 to 9 of the 1961 Act.

Regulation 3(c) brings into force section 33 of the Act which repeals Part 4 of the 1961 Act and related provisions so that a claimant is no longer entitled to claim additional compensation where, within 10 years of the completion of the compulsory purchase by the acquiring authority, a planning decision is made granting consent for additional development on the land.

Regulation 3(d) brings into force section 34 of the Act which amends section 15 of the Acquisition of Land Act 1981 (c.67) by introducing a 6 week statutory time limit for issue of the confirmation notices unless a longer period is agreed in writing between the acquiring authority and the confirming authority.

Regulation 3(e) commences section 35 of the Act which inserts a new section 47 into the Land Compensation Act 1973 (c.26) to bring the assessment of compensation for disturbance for minor and unprotected tenancies into line with that for licensees and protected tenancies.

Regulation 3(f) brings into force section 36 of the Act which amends the Greater London Authority Act 1999 (c.29) to allow the Greater London Authority, a Mayoral Development Corporation, or Transport for London to acquire land authorised by a compulsory purchase order on behalf of the other for a joint project.

Regulation 4 makes transitional provisions in relation to the coming into force of section 32 and section 35 of the Act. The amendments made by these provisions only apply in relation to a compulsory purchase of land which is authorised on or after 22nd September 2017.

Regulation 5 makes transitory provision in relation to the coming into force of section 26(8)(b) of the Act to remove the reference to a proposal to take temporary possession from the substituted definition of “acquiring authority” in section 172 of the Housing and Planning Act 2016 (right to enter and survey land in connection with proposal to acquire land etc.) until the power to take temporary possession of land under section 18(2) of the Act and related provisions in the Act come into force.

Regulations 6 and 7 make amendments to section 32(3) of the Act to replace provisions in new sections 6E(2)(b) and 6E(2)(c), to be inserted into the 1961 Act, expressed by reference to commencement of the Act with 22nd September 2017.