
STATUTORY INSTRUMENTS

2023 No. 923

The A38 Derby Junctions Development Consent Order 2023

PART 5

POWERS OF ACQUISITION

Application of the 1981 Act

- 30.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of Act), for subsection 2 substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”.
- (4) In section 5(1) (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.
- (5) Omit section 5A(2) (time limit for general vesting declaration).
- (6) In section 5B(1)(3) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118(4) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A38 Derby Junctions Development Consent Order 2023”.
- (7) In section 6(5) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134(6) (notice of authorisation of compulsory acquisition) of the Planning Act 2008”.
- (8) In section 7(7) (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (9) In Schedule A1(8) (counter-notice requiring purchase of land not in general vesting declaration) for paragraph 1(2) substitute—
- “(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A38 Derby Junctions Development Consent Order 2023, which excludes the acquisition of subsoil or airspace only from this Schedule.”.

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- (1) Section 5 was amended by paragraphs 4 and 6 of Schedule 15 to the Housing and Planning Act 2016.
- (2) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.
- (3) Section 5B was inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016.
- (4) Section 118 was amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the [Localism Act 2011](#) (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).
- (5) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.
- (6) Section 134 was amended by section 142 of, and Part 21 of Schedule 25 to, the [Localism Act 2011](#) and [S.I. 2017/16](#).
- (7) Section 7 was amended by paragraphs 1 and 3 of Schedule 18 to the Housing and Planning Act 2016.
- (8) Schedule A1 was inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.

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

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 29 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.