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WELSH STATUTORY INSTRUMENTS

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**2004 No. 2732**

**The Compulsory Purchase of Land (Prescribed Forms)  
(National Assembly for Wales) Regulations 2004**

**Citation, commencement and application**

**1.—**(1) These Regulations may be cited as the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004 and come into force on 31 October 2004.

(2) These Regulations apply to a compulsory purchase order which is—

- (a) subject to confirmation by the National Assembly under Part 2 of the Act and the acquiring authority has not, before the coming into force of these Regulations, published notice of the making of the compulsory purchase order pursuant to section 11(1) of the Act; or
- (b) prepared in draft by the National Assembly under paragraph 1 of Schedule 1 to the Act and the National Assembly has not, before the coming into force of these Regulations, published notice of the preparation in draft of the compulsory purchase order pursuant to paragraph 2(1) of Schedule 1 to the Act.

**Interpretation**

**2.—**(1) In these Regulations—

“clearance compulsory purchase order” (“*gorchymyn prynu gorfodol clirio*”) means a compulsory purchase order made pursuant to section 290 of the Housing Act 1985<sup>(1)</sup>; and  
“the Listed Buildings Act” (“*y Ddeddf Adeiladau Rhestredig*”) means the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(2)</sup>.

(2) Any reference in these Regulations to a numbered form is a reference to—

- (a) the form bearing that number in the Schedule to these Regulations;
- (b) a form adapted from that numbered form as may be required to meet the circumstances of a particular case; or
- (c) a form substantially to the like effect as that form, whether adapted or not; and
- (d) in relation to a form permitted by sub-paragraphs (a) to (c) above, that form in the English or Welsh language, or both.

(3) Any reference in these Regulations to a numbered section is a reference to that section of the Act and any reference to a numbered Schedule is a reference to that Schedule to the Act.

**Prescribed forms in connection with compulsory purchase orders**

**3.—**(1) For the purposes of section 10(2) of the Act, the form of a compulsory purchase order (other than a clearance compulsory purchase order) which must be used is—

- (a) Form 1; or

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(1) 1985 c. 68; Part 9 of the 1985 Act is amended by Part 2 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).  
(2) 1990 c. 9.

- (b) if the order provides for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act (commons, open spaces etc.), Form 2; or
  - (c) if the order does not provide for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 3.
- (2) For the purposes of section 10(2), the form of a clearance compulsory purchase order which must be used is—
- (a) Form 4; or
  - (b) if the order provides for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act (commons, open spaces etc.), Form 5; or
  - (c) if the order does not provide for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 6.
- (3) For the purposes of—
- (a) section 11(1) of, and paragraph 2(1) of Schedule 1 to, the Act, the form of a newspaper notice; and
  - (b) section 11(3) of, and paragraph 2(3) of Schedule 1 to, the Act, the form of a notice to be affixed on or near the land comprised in the order,
- which must be used is Form 7.
- (4) Subject to regulation 4—
- (a) for the purposes of section 12(1) of, and paragraph 3(1) of Schedule 1 to, the Act, the form of a notice to a qualifying person<sup>(3)</sup> which must be used is Form 8; or
  - (b) if the order is made under section 121 or 125 of the Local Government Act 1972<sup>(4)</sup> on behalf of a principal council<sup>(5)</sup> or community council, or pursuant to an agreement under section 8 of the Highways Act 1980<sup>(6)</sup> on behalf of a highway authority<sup>(7)</sup>, the form which must be used is Form 9.
- (5) For the purposes of section 15 of, and paragraph 6 of Schedule 1 to, the Act, the form of a confirmation notice<sup>(8)</sup> or making notice<sup>(9)</sup> which must be used is Form 10, except when confirmation is by the acquiring authority pursuant to section 14A of the Act, in which case the form which must be used is Form 11.
- (6) For the purposes of section 22 of, and paragraph 9 of Schedule 3 to, the Act, the form of a 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 which must be used is Form 12.

#### **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 must be included—

- (a) in Form 1, where appropriate, the paragraph in that Form numbered 4;
- (b) after the end of paragraph 2 of Form 8—

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(3) For the definition of “qualifying person”, see section 12(2) of, and paragraph 3(2) of Schedule 1 to, the Acquisition of Land Act 1981.

(4) 1972 c. 70.

(5) For the definition of “principal council”, see section 270 of the Local Government Act 1972.

(6) 1980 c. 66.

(7) For the definition of “highway authority”, see section 1 of the Highways Act 1980.

(8) For the definition of “confirmation notice”, see section 15(4) of the Acquisition of Land Act 1981.

(9) For the definition of “making notice”, see paragraph 6(4) of Schedule 1 to the Acquisition of Land Act 1981.

- (i) in every case, the additional paragraphs in the notes to Form 8 numbered 3 and 5;
- (ii) 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 National Assembly has included a direction for minimum compensation, the additional paragraph in the notes to Form 8 numbered 4, and the remaining paragraphs are to be re-numbered accordingly.

### **Revocation**

**5.** The Compulsory Purchase of Land Regulations 1994<sup>(10)</sup> are revoked to the extent that they would be applicable to a compulsory purchase order to which these Regulations apply.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(11)</sup>.

19 October 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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<sup>(10)</sup> S.I.1994/2145.

<sup>(11)</sup> 1998 c. 38.