

The Network Rail (Cambridge Re-Signalling) Order

Appendices to Proof of Evidence

CONTENTS

SG1 – Rule 15 of Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

SG2 – Book of Reference

SG3 – Acquisition of Land Act 1981

SG4 – Part 1 Compulsory Purchase Act 1965

SG5 – Statement of Case

SG6 – Transport and Works Act 1992 and Transport and Works (Inquiries Procedure) Rules 2004

SG1

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006/1466

rule 15 Notices to owners, occupiers etc.



Law In Force

[View proposed draft amended version](#)

Version 1 of 1

11 September 2006 - Present

Subjects

Transport

15.— Notices to owners, occupiers etc.

- (1) The applicant shall, forthwith after the application has been made, serve a notice in the form of [Form 5 in Schedule 2](#) to these Rules (in this rule referred to as “*Form 5*”) upon all those, other than the applicant and the owner of any Crown interest, named in the book of reference described in [rule 12\(8\)](#).
- (2) In every case where, pursuant to [rule 12\(10\)](#), the applicant has indicated in the book of reference that relevant names have or might have been omitted, he shall, forthwith after the application has been made, serve a notice in the form of Form 5 in the manner provided by [section 66\(4\)\(a\) and \(b\)](#).

Contains public sector information licensed under the Open Government Licence v3.0.

SG2



Transport and Works Act 1992

THE NETWORK RAIL (CAMBRIDGE RE-SIGNALLING) ORDER

NR09 Book of Reference

Network Rail Infrastructure Limited

1 Eversholt Street
London
NW1 2DN

Land Referencing Services LLP

Telford Innovation Centre, SB219
Shifnal Road
Priorslee
Telford
TF2 9NT

Addleshaw Goddard LLP

Addleshaw Goddard LLP
3 Sovereign Square
Leeds
LS1 4ER

Transport and Works Act 1992

Network Rail (Cambridge Re-Signalling) Order

Book of Reference

Contents:

Meldreth (001-010)	Cambridgeshire County Council South Cambridgeshire District Council Shepreth Parish Council	1
Foxton (100-104)	Cambridgeshire County Council South Cambridgeshire District Council Little Shelford Parish Council	4
Long Road (201)	Cambridgeshire County Council Cambridge City Council	5
Six Mile Bottom (300-312)	Cambridgeshire County Council South Cambridgeshire District Council Little Wilbraham & Six Mile Bottom Parish Council	6
Dullingham	Cambridgeshire County Council	

Book of Reference

(400-412)	East Cambridgeshire District Council Dullingham Parish Council	13
Milton Fen (600-604)	Cambridgeshire County Council South Cambridgeshire District Council Milton Parish Council	18
Waterbeach (700-705)	Cambridgeshire County Council South Cambridgeshire District Council Waterbeach Parish Council	21
Dimmocks Cote (800-807)	Cambridgeshire County Council East Cambridgeshire District Council Stretham Parish Council	23
Croxton (900-911)	Norfolk County Council Breckland District Council Croxtan Parish Council	24
List of Statutory Undertakers and other like Bodies		30

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Shepreth Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
001	34 square metres of agricultural land, situated to the south west of level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Thomas George Pepper William Edward Pepper Lloyds Bank plc <i>(as mortgagee to Thomas George Pepper and William Edward Pepper)</i>	—	Thomas George Pepper <i>(trading as T.G. Pepper)</i>	Priority Species for CS Targeting - Lapwing National Habitat network all habitats combined - Network Enhancement Zone 1
002	797 square metres of agricultural land, situated to the south west of level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Thomas George Pepper William Edward Pepper Lloyds Bank plc <i>(as mortgagee to Thomas George Pepper and William Edward Pepper)</i>	—	Thomas George Pepper <i>(trading as T.G. Pepper)</i>	Priority Species for CS Targeting - Lapwing National Habitat network all habitats combined - Network Enhancement Zone 1
003	26 square metres of automated barrier, gated access, fence posts, overhead electrical cables and scrubland, situated to the south east of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Network Rail Infrastructure Limited Unknown <i>(U005)</i>	—	Network Rail Infrastructure Limited South Staffordshire Water PLC <i>(in respect of easements)</i>	Priority Species for CS Targeting - Lapwing National Habitat network all habitats combined - Network Enhancement Zone 1 & Traditional Orchard

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Shepreth Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
004	92 square metres of fencing, trees and scrubland, situated to the south of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Network Rail Infrastructure Limited Unknown <i>(U005)</i>	—	Network Rail Infrastructure Limited South Staffordshire Water PLC <i>(in respect of easements)</i> Eastern Power Networks PLC <i>(in respect of a caution against first registration of land in plot U004 in respect of an easement over the land - caution under title CB313530)</i>	Priority Species for CS Targeting - Lapwing National Habitat network all habitats combined - Network Enhancement Zone 1 & Traditional Orchard
005	12 square metres of verge, situated to the south east of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U017)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	—
006	10 square metres of verge, situated to the south east of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U018)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i> South Staffordshire Water PLC <i>(in respect of easements)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Shepreth Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
007	13 square metres of verge, situated to the north east of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U017)</i>	—	Network Rail Infrastructure Limited	—
008	8 square metres of verge, situated to the north east of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Network Rail Infrastructure Limited Unknown <i>(U016)</i>	—	Network Rail Infrastructure Limited	—
009	85 square metres of verge, situated to the south west of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U019)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i> South Staffordshire Water PLC <i>(in respect of easements)</i>	—
010	19 square metres of verge, situated to the north east of the level crossing known as Meldreth at the intersection of Meldreth Road and the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U016)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Shelford Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
100	27 square metres of agricultural land, situated to the north east of the level crossing known as Foxton at the intersection of Hauxton Road, Little Shelford and the Fen Railway Line	Randle Charles Roderick Feilden Fiona Caroline Bryant James Douglas Eden Bryant	—	Fiona Caroline Bryant James Douglas Eden Bryant Newton Farms LP	Greenbelt Land
101	64 square metres of agricultural land, situated to the north east of the level crossing known as Foxton at the intersection of Hauxton Road, Little Shelford and the Fen Railway Line	Randle Charles Roderick Feilden Fiona Caroline Bryant James Douglas Eden Bryant	—	Fiona Caroline Bryant James Douglas Eden Bryant Newton Farms LP	Greenbelt Land
102 to 103	Numbers not used				
104	150 square metres of agricultural land, gated access and drain, situated to the north east of the level crossing known as Foxton at the intersection of Hauxton Road, Little Shelford and the Fen Railway Line	Randle Charles Roderick Feilden Fiona Caroline Bryant James Douglas Eden Bryant	—	Fiona Caroline Bryant James Douglas Eden Bryant Newton Farms LP	Greenbelt Land

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, Cambridge City Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
200	Number not used				
201	71 square metres of access road off track to Homerton College Sports Fields, woodland and land, situated south of Long Road (A1134) and east of Bethnal Green to Kings Lynn Line	Network Rail Infrastructure Limited Unknown (U011)	—	Network Rail Infrastructure Limited <i>(in respect of rights of access)</i> South Staffordshire Water PLC <i>(in respect of easements)</i>	Priority Habitat - Deciduous Woodland National Forest Inventory Priority Species for CS targeting for Lapwing & Corn Bunting Greenbelt

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
300	2 square metres of land, including access to residential property known as Station House and 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Philip David Woodley Stephani Hannah Woodley Accord Mortgages Limited <i>(as mortgagee to Philip David Woodley and Stephani Hannah Woodley)</i> Unknown <i>(in respect of Mines and Minerals)</i>	—	Philip David Woodley Stephani Hannah Woodley Evan Richard Gard <i>(in respect of a right of access)</i>	—
301	7 square metres of land, including access to residential property known as 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Evan Richard Gard Barclays Bank UK plc <i>(as mortgagee to Evan Richard Gard)</i> Unknown <i>(in respect of Mines and Minerals)</i>	—	Evan Richard Gard Isabel O'Reilly Network Rail Infrastructure Limited <i>(in respect of a provision reserving rights of light or air or support or right which would restrict or interfere with the use of the adjoining land and restrictive covenants and services and access for maintenance of the same)</i>	Source protection Zones 2 & 3 Priority Species for CS targeting for Lapwing & Corn Bunting

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
302	14 square metres of land to the side of railway, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Evan Richard Gard Barclays Bank UK plc <i>(as mortgagee to Evan Richard Gard)</i> Unknown <i>(in respect of Mines and Minerals)</i>	—	Evan Richard Gard Isabel O'Reilly Network Rail Infrastructure Limited <i>(in respect of a provision reserving rights of light or air or support or right which would restrict or interfere with the use of the adjoining land and restrictive covenants and services and access for maintenance of the same)</i>	Source protection Zones 2 & 3 Priority Species for CS targeting for Lapwing & Corn Bunting
303	3 square metres of unregistered land on the side of railway forming part of platform and land adjacent to New Station House, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited Evan Richard Gard Unknown <i>(U006)</i>	—	Network Rail Infrastructure Limited	Source protection Zones 2 & 3 Priority Species for CS targeting for Lapwing & Corn Bunting

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
304	11 square metres of unregistered land on the side of the railway forming part of platform and land adjacent to New Station House, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Cambridgeshire County Council Unknown <i>(U020)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	—
305	1 square metre of land, pedestrian access and driveway of New Station House and 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Philip David Woodley Stephani Hannah Woodley Accord Mortgages Limited <i>(as mortgagee to Philip David Woodley and Stephani Hannah Woodley)</i> Unknown <i>(in respect of Mines and Minerals)</i>	—	Philip David Woodley Stephani Hannah Woodley Evan Richard Gard <i>(in respect of a right of access)</i> Network Rail Infrastructure Limited <i>(in respect of restrictive covenants in favour of the adjoining land concerning title CB449843)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
306	5 square metres of land, pedestrian access and driveway of New Station House and 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Philip David Woodley Stephani Hannah Woodley Accord Mortgages Limited <i>(as mortgagee to Philip David Woodley and Stephani Hannah Woodley)</i> Unknown <i>(in respect of Mines and Minerals)</i>	—	Philip David Woodley Stephani Hannah Woodley Evan Richard Gard <i>(in respect of a right of access)</i> Network Rail Infrastructure Limited <i>(in respect of restrictive covenants in favour of the adjoining land concerning title CB449843)</i>	—
307	1 square metre of land, pedestrian access and driveway of New Station House and 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Cambridgeshire County Council Unknown <i>(U020)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
308	11 square metres of land, pedestrian access and driveway of New Station House and 1 Station Cottages, London Road (A1304), situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Cambridgeshire County Council Unknown (U020)	—	Cambridgeshire County Council (as highway authority)	—
309	1 square metre of land, pedestrian access and driveway of New Station House and 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Cambridgeshire County Council Unknown (U020)	—	Cambridgeshire County Council (as highway authority)	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
310	103 square metres of land, pedestrian access and driveway of New Station House and land, pedestrian access, driveway, gateways, fence and garden of 1 Station Cottages, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	<p>Philip David Woodley</p> <p>Stephani Hannah Woodley</p> <p>Accord Mortgages Limited <i>(as mortgagee to Philip David Woodley and Stephani Hannah Woodley)</i></p> <p>Unknown <i>(in respect of Mines and Minerals)</i></p>	—	<p>Philip David Woodley</p> <p>Stephani Hannah Woodley</p> <p>Evan Richard Gard <i>(in respect of a right of access)</i></p> <p>Network Rail Infrastructure Limited <i>(in respect of restrictive covenants in favour of the adjoining land concerning title CB449843)</i></p>	—
311	44 square metres of land, pedestrian access and driveway of New Station House London Road (A1304), situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	<p>Evan Richard Gard</p> <p>Barclays Bank UK plc <i>(as mortgagee to Evan Richard Gard)</i></p> <p>Unknown <i>(in respect of Mines and Minerals)</i></p>	—	<p>Evan Richard Gard</p> <p>Isabel O'Reilly</p> <p>Network Rail Infrastructure Limited <i>(in respect of a provision reserving rights of light or air or support or right which would restrict or interfere with the use of the adjoining land and restrictive covenants and services and access for maintenance of the same)</i></p>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference
Cambridgeshire County Council, South Cambridgeshire District Council, Little Wilbraham & Six Mile Bottom Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
312	1 square metre of land, road verge and fencing, situated south east of the level crossing known as Six Mile Bottom at the intersection of London Road (A1304) and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Cambridgeshire County Council Unknown <i>(U020)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, East Cambridgeshire District Council, Dullingham Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
400	12 square metres of land, car park entrance, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited Unknown <i>(U001)</i>	Abellio East Anglia Limited	Network Rail Infrastructure Limited Abellio East Anglia Limited	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
401	5 square metres of footpath forming part of adopted highway known as Station Road, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited Unknown <i>(U001)</i>	Abellio East Anglia Limited	Abellio East Anglia Limited Cambridgeshire County Council <i>(as highway authority)</i>	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
402	15 square metres of land, footpath forming part of adopted highway known as Station Road, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Michael Mingay Unknown <i>(U002)</i>	—	Michael Mingay Cambridgeshire County Council <i>(as highway authority)</i>	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of Reference Cambridgeshire County Council, East Cambridgeshire District Council, Dullingham Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
403	4 square metres of land and footpath forming part of adopted highway known as Station Road and access track, situated north west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Cambridgeshire County Council Unknown <i>(U021)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	—
404	9 square metres of land adjacent to access track, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Michael Mingay Unknown <i>(U002)</i>	—	Michael Mingay Cambridgeshire County Council <i>(as highway authority)</i>	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
405	390 square metres of land and thicket within agricultural land, situated to the north east of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Simon Fred Boyton Taylor Barclays Security Trustee Limited <i>(as mortgagee to Simon Fred Boyton Taylor)</i>	—	Simon Taylor Farms and Granary Estates South Staffordshire Water PLC <i>(in respect of easements)</i>	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, East Cambridgeshire District Council, Dullingham Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
406	8 square metres of land, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Michael Mingay Unknown (U002)	—	Michael Mingay	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
407	1 square metres of footpath forming part of adopted highway known as Station Road, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited Unknown (U001)	Abellio East Anglia Limited	Abellio East Anglia Limited	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
408	7 square metres of land adjacent to access track, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited Unknown (U002)	—	Network Rail Infrastructure Limited	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, East Cambridgeshire District Council, Dullingham Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
409	10 square metres of hardstanding adjacent to the railway line, including run-off drainage system, within access to Dullingham Signal Box car park, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited <i>(as reputed owners)</i> Unknown <i>(U001)</i>	Abellio East Anglia Limited	Abellio East Anglia Limited Network Rail Infrastructure Limited	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
410	2 square metres of land within access to Dullingham Signal Box car park, situated south west of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Network Rail Infrastructure Limited Unknown <i>(U001)</i>	Abellio East Anglia Limited	Abellio East Anglia Limited Cambridgeshire County Council <i>(as highway authority)</i>	National Habitat network - All habitats combined Priority Species for Lapwing Source Protection zones merged 3 and 2
411	72 square metres of land and thicket within agricultural land, situated to the north east of the level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Simon Fred Boyton Taylor Barclays Security Trustee Limited <i>(as mortgagee to Simon Fred Boyton Taylor)</i>	—	Simon Taylor Farms and Granary Estates South Staffordshire Water PLC <i>(in respect of easements)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, East Cambridgeshire District Council, Dullingham Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
412	109 square metres of land and thicket within agricultural land, situated to the north east of level crossing known as Dullingham at the intersection of Station Road and railway line known as Cambridge Coldham Lane Junction and Haughley Junction Line	Simon Fred Boyton Taylor Barclays Security Trustee Limited <i>(as mortgagee to Simon Fred Boyton Taylor)</i>	—	Simon Taylor Farms and Granary Estates South Staffordshire Water PLC <i>(in respect of easements)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Milton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
600	46 square metres of agricultural land and access track, situated south east of level crossing known as Milton Fen at the intersection of Fen Road and the railway line known as the Fen Railway Line	Roy William Guy <i>(as trustee of the Vanessa Robinson Greatbanks Will Trust)</i> Richard Donald Oughton <i>(as trustee of the Vanessa Robinson Greatbanks Will Trust)</i> Alison Judy Counsell <i>(as trustee of the Vanessa Robinson Greatbanks Will Trust)</i>	The Pretoria Energy Company (Mepal) Limited	The Pretoria Energy Company (Mepal) Limited	Cambridge Greenbelt
601	3 square metres of land, situated north east of the level crossing known as Milton Fen at the intersection of Fen Road and the railway line known as the Fen Railway Line	Network Rail Infrastructure Limited Unknown <i>(U011)</i>	CDR Nomineeco 1 Limited CDR Nomineeco 2 Limited CBRE Loan Services Limited <i>(as mortgagee to CDR Nomineeco 1 Limited and CDR Nomineeco 2 Limited)</i>	CDR Nomineeco 1 Limited CDR Nomineeco 2 Limited Network Rail Infrastructure Limited	Cambridge Greenbelt

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Milton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
602	53 square metres of agricultural land and access track, situated south east of level crossing known as Milton Fen at the intersection of Fen Road and the railway line known as the Fen Railway Line	Roy William Guy <i>(as trustee of the Vanessa Robinson Greatbanks Will Trust)</i> Richard Donald Oughton <i>(as trustee of the Vanessa Robinson Greatbanks Will Trust)</i> Alison Judy Counsell <i>(as trustee of the Vanessa Robinson Greatbanks Will Trust)</i>	The Pretoria Energy Company (Mepal) Limited	The Pretoria Energy Company (Mepal) Limited	Cambridge Greenbelt
603	5 square metres of footpath forming part of adopted highway known as Fen Road, situated south east of level crossing known as Milton Fen at the intersection of Fen Road and the railway line known as the Fen Railway Line	Network Rail Infrastructure Limited Unknown <i>(U015)</i>	—	Network Rail Infrastructure Limited Cambridgeshire County Council <i>(as highway authority)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Milton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
604	3 square metres of land, situated north east of the level crossing known as Milton Fen at the intersection of Fen Road and the railway line known as the Fen Railway Line	Network Rail Infrastructure Limited Unknown (U011)	CDR Nomineeco 1 Limited CDR Nomineeco 2 Limited CBRE Loan Services Limited <i>(as mortgagee to CDR Nomineeco 1 Limited and CDR Nomineeco 2 Limited)</i>	CDR Nomineeco 1 Limited CDR Nomineeco 2 Limited Network Rail Infrastructure Limited	Cambridge Greenbelt

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Waterbeach Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
700	335 square metres of hardstanding used for car parking, known as Waterbeach Station Car Park, including lamp posts, situated south east of level crossing known as Waterbeach at the intersection of Clayhithe Road, Station Road and the railway line known as the Fen Railway Line	Cambridgeshire County Council	–	Cambridgeshire County Council The Woodland Trust <i>(in respect of access)</i>	Cambridge Greenbelt
701	900 square metres of hardstanding used for car parking, known as Waterbeach Station Car Park, including lamp posts, situated south of level crossing known as Waterbeach at the intersection of Clayhithe Road, Station Road and the railway line known as the Fen Railway Line	Cambridgeshire County Council	–	Cambridgeshire County Council <i>(as highway authority)</i>	–
702	61 square metres of hardstanding used for entrance to car parking, known as Waterbeach Station Car Park, situated south of level crossing known as Waterbeach at the intersection of Clayhithe Road, Station Road and the railway line known as the Fen Railway Line	Cambridgeshire County Council	–	Cambridgeshire County Council <i>(as highway authority)</i>	–

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, South Cambridgeshire District Council, Waterbeach Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
703	1 square metres of footpath forming part of adopted highway known as Clayhithe Road, situated south of level crossing known as Waterbeach at the intersection of Clayhithe Road, Station Road and the railway line known as the Fen Railway Line	Cambridgeshire County Council	—	Cambridgeshire County Council <i>(as highway authority)</i>	Cambridge Greenbelt
704	11 square metres of footpath forming part of adopted highway known as Clayhithe Road and telecommunications box, situated north east of level crossing known as Waterbeach at the intersection of Clayhithe Road, Station Road and the railway line known as the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U014)</i>	—	Cambridgeshire County Council <i>(as highway authority)</i>	Cambridge Greenbelt
705	1 square metres of footpath, situated south of level crossing known as Waterbeach at the intersection of Clayhithe Road, Station Road and the railway line known as the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U014)</i>	—	Unoccupied	Cambridge Greenbelt

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of Reference Cambridgeshire County Council, East Cambridgeshire District Council, Stretham Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
800 to 804	Numbers not used				
805	468 square metres of agricultural land, situated north west of level crossing known as Dimmocks Cote at the intersection of Newmarket Road (A1123) and the railway line known as the Fen Railway Line	Trevor James Smith <i>(as trustees of The R G Shropshire 1968 Settlement)</i> Davina Helen Harvey <i>(as trustees of The R G Shropshire 1968 Settlement)</i> The R G Shropshire 1968 Settlement The Agricultural Mortgage Corporation plc <i>(as mortgagee to Trevor James Smith and Davina Helen Harvey)</i>	–	Trevor James Smith Davina Helen Harvey	–
806	Number not used				
807	140 square metres of lay-by and road verge, situated north west of level crossing known as Dimmocks Cote at the intersection of Newmarket Road (A1123) and the railway line known as the Fen Railway Line	Cambridgeshire County Council Unknown <i>(U013)</i>	–	Cambridgeshire County Council <i>(as highway authority)</i>	–

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of reference Norfolk County Council, Breckland District Council, Croxton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
900	622 square metres of agricultural land, access, track adjacent to the railway line, (ETN Breckland Line), including the access track to farmland, situated south west of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone Honorary P.V. Fisher 1986 Children's Trust Gary John Bowman C. Hoare & Co. <i>(as mortgagee to Gary John Bowman and The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone)</i>	—	Blakeney Park Farms LLP	—
901	Number not used				
902	6 square metres of verge forming part of adopted highway known as Thetford Road (A1075), situated south west of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Norfolk County Council	—	Norfolk County Council <i>(as highway authority)</i>	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of reference Norfolk County Council, Breckland District Council, Croxton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
903	167 square metres of agricultural land, situated south of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Gary John Bowman The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone Honorary P.V. Fisher 1986 Children's Trust C. Hoare & Co. <i>(as mortgagee to Gary John Bowman and The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone)</i>	—	Blakeney Park Farms LLP	—
904	1 square metres of agricultural land, situated south of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Gary John Bowman The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone Honorary P.V. Fisher 1986 Children's Trust	—	Blakeney Park Farms LLP	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of reference Norfolk County Council, Breckland District Council, Croxton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
904 (cont'd)		C. Hoare & Co. <i>(as mortgagee to Gary John Bowman and The Right Honourable Patrick Vavas seur Fourth Baron Fisher of Kilverstone)</i>			
905	88 square metres of agricultural land, situated south east of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Gary John Bowman The Right Honourable Patrick Vavas seur Fourth Baron Fisher of Kilverstone Honorary P.V. Fisher 1986 Children's Trust C. Hoare & Co. <i>(as mortgagee to Gary John Bowman and The Right Honourable Patrick Vavas seur Fourth Baron Fisher of Kilverstone)</i>	—	Blakeney Park Farms LLP	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALLING) Order – Book of reference Norfolk County Council, Breckland District Council, Croxton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
906	519 square metres of agricultural land, situated east of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Gary John Bowman The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone Honorary P.V. Fisher 1986 Children's Trust C. Hoare & Co. <i>(as mortgagee to Gary John Bowman and The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone)</i>	—	Blakeney Park Farms LLP	—
907	113 square metres of agricultural land, situated east of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Gary John Bowman The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone Honorary P.V. Fisher 1986 Children's Trust	—	Blakeney Park Farms LLP	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of reference Norfolk County Council, Breckland District Council, Croxton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
907 (cont'd)		C. Hoare & Co. <i>(as mortgagee to Gary John Bowman and The Right Honourable Patrick Vavas seur Fourth Baron Fisher of Kilverstone)</i>			
908	126 square metres of agricultural land, situated north of the level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Mills & Reeve Trust Corporation Limited The Right Honourable Patrick Vavas seur Fourth Baron Fisher of Kilverstone 1989 Settlement Trust C. Hoare & Co. <i>(as mortgagee to Mills & Reeve Trust Corporation Limited and The Honourable Patrick Vavas seur Fisher)</i>	—	Network Rail Infrastructure Limited Blakeney Park Farms LLP	—
909	107 square metres of agricultural land, situated north of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Mills & Reeve Trust Corporation Limited The Right Honourable Patrick Vavas seur Fourth Baron Fisher of Kilverstone	—	Blakeney Park Farms LLP	—

Book of Reference

The Network Rail (CAMBRIDGE RE-SIGNALING) Order – Book of reference Norfolk County Council, Breckland District Council, Croxton Parish Council

No. on plan	Extent and description of the land or Property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers	Remarks including special category land
909 (cont'd)		1989 Settlement Trust C. Hoare & Co. <i>(as mortgagee to Mills & Reeve Trust Corporation Limited and The Honourable Patrick Vavasour Fisher)</i>			
910	6 square metres of land and verge forming part of adopted highway known as Thetford Road (A1075), situated north of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Norfolk County Council Unknown <i>(U012)</i>	–	Norfolk County Council <i>(as highway authority)</i>	–
911	4 square metres of land road verge and fencing forming part of adopted highway known as Thetford Road (A1075), situated north of level crossing known as Croxton at the intersection of Thetford Road (A1075) and the railway line known as ETN Breckland Line	Norfolk County Council	–	Norfolk County Council <i>(as highway authority)</i>	–

Book of Reference

GENERAL ENTRIES

LIST OF STATUTORY UNDERTAKERS AND OTHER LIKE BODIES HAVING OR POSSIBLY HAVING A RIGHT TO KEEP EQUIPMENT OR HAVING THE BENEFIT OF EASEMENTS ON, IN OR OVER THE LAND WITHIN THE ORDER

Party Name	Interest Affected
Cadent Gas Limited	in respect of gas mains, meters, pipes and other apparatus
Eastern Power Networks PLC	in respect of electricity substations, wires, conduits, cables and other apparatus
British Telecommunications PLC	in respect of telecommunication wires, conduits, cables and other telecommunications apparatus
EE Limited	in respect of telecommunication wires, conduits, cables and other telecommunications apparatus
Virgin Media Limited	in respect of telecommunication wires, conduits, cables and other telecommunications apparatus
GTC Pipelines Limited	in respect of telecommunication wires, conduits, cables and other telecommunications apparatus
Trafficmaster Limited	in respect of telecommunication wires, conduits, cables and other telecommunications apparatus
Sky Telecommunications Services Ltd	in respect of telecommunication wires, conduits, cables and other telecommunications apparatus
Anglian Water Services Limited	in respect of water pipes, meters, and other apparatus
South Staffordshire Water PLC	in respect of water pipes, meters, hydrants and other underground water apparatus

SG3

Acquisition of Land Act 1981 c. 67

Preamble

Version 1 of 1

30 October 1981 - Present

Subjects

Local government; Planning; Real property

An Act to consolidate the [Acquisition of Land \(Authorisation Procedure\) Act 1946](#) and related enactments.

[30th October 1981]

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Contains public sector information licensed under the Open Government Licence v3.0.

s. 1 Application of Act.



Law In Force

Version 3 of 3

22 July 2004 - Present

Subjects

Real property

Keywords

Acquisition of land; Compulsory purchase; Interpretation

1.— Application of Act.

(1) In this Act “*compulsory purchase*” means a compulsory purchase of land, being—

- (a) a compulsory purchase to which this Act applies by virtue of any other enactment, whether or not passed or made before this Act, or
- (b) a compulsory purchase under an enactment specified in subsection (2) below.

(2) The enactments referred to in subsection (1)(b) above are—

[section 2](#) of the [Metropolitan Police Act 1886](#),

[section 1\(3\)](#) of the [Military Lands Act 1892](#),

[sections 25\(1\)](#) and [39\(1\)](#) of the [Small Holdings and Allotments Act 1908](#),

[section 5\(1\)](#) of the [Development and Road Improvements Funds Act 1909](#) as it applies to acquisition by local authorities (as defined in [section 7\(1\)](#) of this Act) or the Secretary of State,

[...] ¹

[[section 530\(1\)](#) of the [Education Act 1996](#)] ² [...] ¹

[...] ³ .

(3) In this section “*enactment*” includes any statutory instrument.

Notes

¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 [Sch.1\(3\) para.1](#) (July 22, 2004)

² Words substituted by Education Act 1996 c. 56 [Sch.37\(1\) para.50](#) (November 1, 1996)

³ Words repealed by Water Act 1989 (c.15), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Contains public sector information licensed under the Open Government Licence v3.0.

s. 2 Procedure for authorisation.



Law In Force

Version 2 of 2

6 April 2018 - Present

Subjects

Real property

Keywords

Authorisation; Compulsory purchase; Compulsory purchase orders; Procedure

2.— Procedure for authorisation.

(1) The authorisation of a compulsory purchase shall be conferred by an order (in this Act called a “*compulsory purchase order*”).

[

(2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister is to be—

- (a) made by that authority,
- (b) submitted to the confirming authority, and
- (c) confirmed in accordance with [Part 2](#) of this Act.

] ¹

(3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with [Schedule 1](#) to this Act.

Notes

- ¹ Substituted by Housing and Planning Act 2016 c. 22 [Pt 7 s.181\(3\)](#) (April 6, 2018: substitution has effect except in relation to a compulsory purchase order for which the confirming authority is the Welsh Ministers subject to transitional provisions specified in SI 2018/251 reg.5; April 6, 2019 otherwise)

Part I GENERAL > Compulsory purchase > s. 2 Procedure for authorisation.

Contains public sector information licensed under the Open Government Licence v3.0.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

s. 2A Tunnels etc



Law In Force

Version 1 of 1

3 February 2017 - Present

Subjects

Local government; Planning; Real property

[

2A Tunnels etc

(1) A compulsory purchase order may provide that in the following provisions, a reference to land (however expressed) does not include specified land that is at least 9 metres or more below the surface.

(2) The provisions mentioned in subsection (1) are—

- (a) [Schedule 2A](#) of the [Compulsory Purchase Act 1965](#) (objection to division of land),
- (b) any substituted version of that Schedule that applies by virtue of provision made by or under any Act, and
- (c) [Schedule A1](#) to the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) (objection to division of land).

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 c. 22 [Sch.17\(2\) para.9](#) (February 3, 2017)
-

Part I GENERAL > Compulsory purchase > s. 2A Tunnels etc

Contains public sector information licensed under the Open Government Licence v3.0.

s. 3 Minerals.



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Mining; Real property

Keywords

Compulsory purchase; Minerals; Mining

3. Minerals.

[Schedule 2](#) to this Act (exception of minerals from purchases etc.) shall have effect.

1 2

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 S. 4 ~applied by ~ applied by Dartford-Thurrock Crossing Act 1988 (c.20), ss.2(2), 19, Sch. 2 Pt. II para. 6

Part I GENERAL > Compulsory purchase > s. 3 Minerals.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 4 Assessment of compensation.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Local government; Planning; Real property

Keywords

Assessment; Compensation; Compulsory purchase; Upper Tribunal

4.— Assessment of compensation.

(1) In relation to a compulsory purchase the [Land Compensation Act 1961](#) shall have effect subject to the provisions of this section.

(2) The [Upper Tribunal]¹ shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the [Upper Tribunal]¹ is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.150](#) (June 1, 2009)

Part I GENERAL > Compulsory purchase > s. 4 Assessment of compensation.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 5 Local inquiries.



Law In Force

Version 2 of 2

25 June 2013 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Planning inquiries

5.— Local inquiries.

(1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit.

(2) Subsections (2) and (3) of section 250 of the [Local Government Act 1972](#) (giving of evidence on inquiries) shall apply to a public local inquiry held in pursuance of this Act.

(3) In relation to—

(a) a proposed acquisition of land by an authority other than a Minister, or

(b) the proposed extinction under [Part VI](#) of this Act of a right of way over land acquired or proposed to be acquired by an authority other than a Minister,

[subsections \(4\) and \(5\)](#) of the said section 250 (defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act.

[

(4) In relation to each of the matters mentioned in paragraphs (a) and (b) of subsection (3), [section 250\(5\)](#) of the [Local Government Act 1972](#) also applies—

(a) where arrangements are made for a public local inquiry to be held in England in pursuance of this Act but the inquiry does not take place;

(b) to the costs of a party to a public local inquiry held in England in pursuance of this Act who does not attend the inquiry.

] ¹

Notes

¹ Added by Growth and Infrastructure Act 2013 c. 27 [s.3](#) (June 25, 2013: insertion has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(1))

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Contains public sector information licensed under the Open Government Licence v3.0.

s. 5A Power to require information



Law In Force

Version 1 of 1

31 October 2004 - Present

Subjects

Real property

Keywords

Compulsory purchase; Information; Powers rights and duties

[

5A Power to require information

- (1) This section applies to information about land in relation to which an acquiring authority is entitled to exercise a power of compulsory purchase.
- (2) The acquiring authority may serve a notice on a person mentioned in subsection (4) requiring him to give to the authority in writing the following information—
 - (a) the name and address of any person he believes to be an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
 - (b) the name and address of any person he believes to have an interest in the land.
- (3) The power in subsection (2) is exercisable for the purpose of enabling the acquiring authority to acquire the land.
- (4) The persons are—
 - (a) the occupier of the land;
 - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee;
 - (c) any person who directly or indirectly receives rent for the land;
 - (d) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.
- (5) The notice must specify the period within which the information must be given to the acquiring authority (being a period of not less than 14 days beginning with the day on which the notice is served).
- (6) The notice must also specify or describe—
 - (a) the land,
 - (b) the compulsory purchase power, and
 - (c) the enactment which confers the power.
- (7) The notice must be in writing.
- (8) [Section 6\(4\)](#) does not apply to notices to be served under this section.

] ¹

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- ¹ Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.105\(2\)](#) (October 31, 2004)
-

Part I GENERAL > Supplemental > s. 5A Power to require information

Contains public sector information licensed under the Open Government Licence v3.0.

s. 5B Offences relating to information



Law In Force

Version 1 of 1

31 October 2004 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Information; Offences

[

5B Offences relating to information

- (1) A person commits an offence if he fails without reasonable excuse to comply with a notice served on him under [section 5A](#).
- (2) A person commits an offence if, in response to a notice served on him under section 5A—
 - (a) he gives information which is false in a material particular, and
 - (b) when he does so, he knows or ought reasonably to know that the information is false.
- (3) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) a person purporting to act in any such capacity,he, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.
- (4) The reference in subsection (3) to a director must be construed in accordance with [section 331\(2\)](#) of the [Town and Country Planning Act 1990](#).
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

] ¹

Notes

- 1 Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.105\(2\)](#) (October 31, 2004)

Part I GENERAL > Supplemental > s. 5B Offences relating to information

Contains public sector information licensed under the Open Government Licence v3.0.

s. 6 Service of documents.



Law In Force

Version 3 of 3

6 August 2004 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Documents; Service provision

6.— Service of documents.

(1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of [section 7](#) of the [Interpretation Act 1978](#) the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee [, tenant]¹ or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of “Owner” “lessee” [, “tenant”]² or “occupier” of the land (describing it) to which it relates, and by delivering it to some person on the [land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land]³ :

Provided that this subsection shall not have effect in relation to an owner, lessee [, tenant]¹ or occupier being a local authority or statutory undertakers or the National Trust.

Notes

- 1 Word inserted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(2\)\(a\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
- 2 Word inserted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(2\)\(b\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
- 3 Words substituted by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.8](#) (September 25, 1991)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Part I GENERAL > Supplemental > s. 6 Service of documents.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 7 Interpretation.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 11 of 11

1 April 2018 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Interpretation

7.— Interpretation.

(1) In this Act, except where the context otherwise requires—

“*acquiring authority*” , in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,

“*compulsory purchase order*” means an order under [section 2\(1\)](#) above,

“*confirming authority*” , in relation to a compulsory purchase, means ,where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,

“*land*” —

(a) includes messages, tenements and hereditaments, and

(b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,

[“*local authority*” means — [

(a) a billing authority or a precepting authority, as defined in [section 69](#) of the [Local Government Finance Act 1992](#);

[

(al) the London Fire Commissioner;

]³[

(aa) a fire and rescue authority in Wales constituted by a scheme under [section 2](#) of the [Fire and Rescue Services Act 2004](#) or a scheme to which [section 4](#) of that Act applies;

]⁴]²

(b) a levying body within the meaning of [section 74](#) of [the [Local Government Finance Act 1988](#)]⁴ ;

(c) a body as regards which [section 75](#) of that Act applies;

(d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs

(a) to (c); and

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple,

] ¹

“*National Trust*” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the [National Trust Act 1907](#),

“*owner*” in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years[and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative] ⁵,

“*prescribed*” see subsection (2) below.

[

“*universal service provider*” has the same meaning as in [[Part 3](#) of the [Postal Services Act 2011](#)] ⁷; and references to the provision of a universal postal service shall be construed in accordance with [that Part] ⁸.

] ⁶

(2) Anything which, by [Part II](#) or [III](#) of this Act, or [Schedule 1](#) or [3](#) of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

[

(3) But an instrument containing regulations made for the purposes of [section 13A](#) or [paragraph 4A of Schedule 1](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

] ⁹

Notes

- 1 Definition substituted by S.I. 1990/776, art. 8 Sch. 3 Pt. I para. 23
- 2 Para.(a) and (aa) substituted for para.(a) by Local Government Finance Act 1992 c. 14 [Sch.13 para.52](#) (November 2, 1992)
- 3 Substituted by Policing and Crime Act 2017 c. 3 [Sch.2\(2\) para.63](#) (April 1, 2018)
- 4 Amended by Fire and Rescue Services Act 2004 c. 21 [Sch.1 para.53](#) (November 10, 2004 as SI 2004/2917)
- 5 Words added in definition by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.9](#) (September 25, 1991)
- 6 Definition inserted by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 [Sch.1\(1\) para.54\(2\)](#) (March 26, 2001)
- 7 Words substituted by Postal Services Act 2011 c. 5 [Sch.12\(3\) para.110\(a\)](#) (October 1, 2011)
- 8 Words substituted by Postal Services Act 2011 c. 5 [Sch.12\(3\) para.110\(b\)](#) (October 1, 2011)
- 9 Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(3\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)

Part I GENERAL > Interpretation > s. 7 Interpretation.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 8 Statutory undertakers.



Law In Force

Version 3 of 3

21 December 2001 - Present

Subjects

Local government; Planning; Real property

Keywords

Interpretation; Statutory undertakings

8.— Statutory undertakers.

(1) In this Act, unless the context otherwise requires, “*statutory undertakers*” means—

(a) any person authorised by any enactment to construct, work or carry on—

(i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or

(ii) any dock, harbour, pier or lighthouse undertaking, or

(iii) any undertaking for the supply of [...] ¹, [...] ², [or hydraulic power] ³, or

(b) [...] ⁴ the Civil Aviation Authority [or a person who holds a licence under [Chapter I of Part I](#) of the [Transport Act 2000](#) (to the extent that the person is carrying out activities authorised by the licence)] ⁵, or

(c) [a universal service provider in connection with the provision of a universal postal service] ⁶ [...] ⁷,

and in this subsection “*enactment*” means any Act or any order or scheme made under or confirmed by an Act.

[

(1ZA) The undertaking of a person who holds a licence under [Chapter I of Part I](#) of the [Transport Act 2000](#) shall not be considered to be a statutory undertaking for the purposes of this Act except to the extent that it is the person's undertaking as licence holder; and references in this Act to the person's undertaking shall be construed accordingly.

] ⁸ [

(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.

] ⁹ [...] ¹⁰

(3) In this Act “*the appropriate Minister*” means, in relation to any statutory undertakers, the Secretary of State.

(4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 1 Word repealed by Electricity Act 1989 (c.29), s. 112(4), Sch. 18
 - 2 Word repealed by Gas Act 1986 (c.44), s. 67(4), Sch. 9 Pt. I
 - 3 Words substituted by Water Act 1989 (c.15), s. 190, Sch. 25 para. 65 (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
 - 4 Words repealed by Airports Act 1986 (c.31), s. 83(5), Sch. 6 Pt. I
 - 5 Words inserted by Transport Act 2000 (Consequential Amendments) Order 2001/4050 [Sch.1\(II\) para.5\(a\)\(i\)](#) (December 21, 2001)
 - 6 Words substituted by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 [Sch.1\(1\) para.54\(3\)\(a\)](#) (March 26, 2001)
 - 7 Words repealed by Telecommunications Act 1984 (c.12), Sch. 4 para. 3(1), s. 109(1)(4)(6), Sch. 5 para. 45 and Sch. 7 Pt. I
 - 8 Added by Transport Act 2000 (Consequential Amendments) Order 2001/4050 [Sch.1\(II\) para.5\(a\)\(ii\)](#) (December 21, 2001)
 - 9 Added by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 [Sch.1\(1\) para.54\(3\)\(b\)](#) (March 26, 2001)
 - 10 Repealed by Airports Act 1986 (c.31), s. 83(5), Sch. 6 Pt. I
-

Part I GENERAL > Interpretation > s. 8 Statutory undertakers.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 9 Land held inalienably.



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Interpretation; Rule against inalienability

9. Land held inalienably.

For the removal of doubt it is hereby declared that any power conferred—

(a) under this Act, or

(b) by or under the [Acquisition of Land \(Authorisation procedure\) Act 1946](#), or any enactment passed before the commencement of that Act,

to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Part I GENERAL > Interpretation > s. 9 Land held inalienably.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 10 Preliminary.



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Local authorities

10.— Preliminary.

- (1) This Part of this Act has effect except where a Minister is the acquiring authority.
- (2) The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.
- (3) Before submitting the order to the confirming authority the acquiring authority shall comply with [sections 11 and 12](#) below.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > s. 10 Preliminary.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Contains public sector information licensed under the Open Government Licence v3.0.

s. 11 Notices in newspapers.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 2 of 2

6 August 2004 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Newspapers; Notices

11.— Notices in newspapers.

(1) The acquiring authority shall in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.

(2) The notice shall—

- (a) state that the order has been made and is about to be submitted for confirmation,
- (b) describe the land and state the purpose for which the land is required,
- (c) name a place within the locality where a copy of the order and of the map referred to therein may be inspected, and
- (d) specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the order can be made.

[

(3) In addition, the acquiring authority shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the order.

(4) The notice under subsection (3) must—

- (a) be addressed to persons occupying or having an interest in the land, and
- (b) set out each of the matters mentioned in subsection (2) (but reading the reference there to first publication of the notice as a reference to the day when the notice under subsection (3) is first affixed).

] ¹

Notes

- ¹ Added by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.100(4) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > Notices prior to submission of order to confirming authority > s. 11 Notices in newspapers.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 12 Notices to owners, lessees, occupiers and others.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 5 of 5

30 September 2022 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Lessees; Notices; Occupiers; Owners

12.— Notices to owners, lessees [, occupiers and others]¹ .

(1) The acquiring authority shall serve on every [qualifying person]² a notice in the prescribed form—

- (a) stating the effect of the order,
- (b) stating that it is about to be submitted for confirmation, and
- (c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the order can be made.

[

(2) A person is a qualifying person, in relation to land comprised in an order, if—

- (a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, [...]⁴
- (b) he falls within subsection (2A) [, or]⁵

[

(c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of [Part 7](#) of the [Environment Act 2021](#)) relating to the land.

]⁵

(2A) A person falls within this subsection if he is—

- (a) a person to whom the acquiring authority would, if proceeding under [section 5\(1\)](#) of the [Compulsory Purchase Act 1965](#), be required to give a notice to treat, or
- (b) a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under [section 10](#) of the [Compulsory Purchase Act 1965](#) (compensation for injurious affection).

]³

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(3) Where under this section any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated]⁶. In this subsection “*ecclesiastical property*” means land belonging to any ecclesiastical benefice [of the Church of England]⁷, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese [of the Church of England]⁷ or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [...]⁸.

Notes

- 1 Words substituted by Environment Act 2021 c. 30 [Sch.20 para.2\(2\)](#) (September 30, 2022)
 - 2 Words substituted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(5\)\(a\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
 - 3 S.12(2)-(2B) substituted for s.12(2) by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(5\)\(b\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
 - 4 Word repealed by Environment Act 2021 c. 30 [Sch.20 para.2\(3\)\(a\)](#) (September 30, 2022)
 - 5 Added by Environment Act 2021 c. 30 [Sch.20 para.2\(3\)\(b\)](#) (September 30, 2022)
 - 6 Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(1\)\(a\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
 - 7 Words inserted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(1\)\(b\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
 - 8 Words repealed by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(1\)\(c\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
-

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > Notices prior to submission of order to confirming authority > s. 12 Notices to owners, lessees, occupiers and others.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13 Confirmation of order: no objections



Law In Force

Version 2 of 2

6 August 2004 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Confirmation; Objections

[

13 Confirmation of order: no objections

- (1) The confirming authority may confirm a compulsory purchase order with or without modifications if it is satisfied—
- (a) that the notice requirements have been complied with, and
 - (b) that one of the conditions in subsection (2) is satisfied.
- (2) The conditions are—
- (a) no relevant objection is made;
 - (b) every relevant objection made is either withdrawn or disregarded.
- (3) The confirming authority may require every person who makes a relevant objection to state the grounds of the objection in writing.
- (4) If the confirming authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.
- (5) The notice requirements are the requirements under [sections 11 and 12](#) to publish, affix and serve notices in connection with the compulsory purchase order.
- (6) A relevant objection is an objection by a person who is a qualifying person for the purposes of [section 12\(2\)](#), but if such a person qualifies only by virtue of [section 12\(2A\)\(b\)](#) and the confirming authority thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.
- (7) Disregarded means disregarded under subsection (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.

] ¹

Notes

- ¹ Ss 13-13C substituted for s.13 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(6\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

*Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES >
Confirmation of order > s. 13 Confirmation of order: no objections*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13A Confirmation of order: remaining objections



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

6 August 2004 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Confirmation; Objections

[

13A Confirmation of order: remaining objections

- (1) This section applies to the confirmation of a compulsory purchase order if a relevant objection is made which is neither—
- (a) withdrawn, nor
 - (b) disregarded,
- (a remaining objection).
- (2) The confirming authority may proceed under the written representations procedure—
- (a) if the order is not subject to special parliamentary procedure,
 - (b) in the case of an order to which [section 16](#) applies, if a certificate has been given under [subsection \(2\)](#) of that section, and
 - (c) if every person who has made a remaining objection consents in the prescribed manner.
- (3) If subsection (2) does not apply or if the confirming authority decides not to proceed under that subsection, it must either—
- (a) cause a public local inquiry to be held, or
 - (b) give every person who has made a remaining objection an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose.
- (4) If a person who has made a remaining objection takes the opportunity to appear before a person appointed under subsection (3)(b) the confirming authority must give the acquiring authority and any other person it thinks appropriate the opportunity to be heard at the same time.
- (5) The confirming authority may confirm the order with or without modifications if it has considered the objection and either—
- (a) it has followed the written representations procedure, or
 - (b) in a case which falls within subsection (3), if an inquiry was held or a person was appointed under subsection (3)(b), it has considered the report of the person who held the inquiry or who was so appointed.
- (6) The written representations procedure is such procedure as is prescribed for the purposes of this section including provision affording an opportunity to—

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(a) every person who has made a remaining objection,

(b) the acquiring authority, and

(c) any other person the confirming authority thinks appropriate,

to make written representations as to whether the order should be confirmed.

(7) Relevant objection and disregarded must be construed in accordance with [section 13](#).

] ¹

Notes

- ¹ Ss 13-13C substituted for s.13 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(6\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)

*Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES >
Confirmation of order > s. 13A Confirmation of order: remaining objections*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13B Written representations procedure: supplementary



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

6 August 2004 - Present

Subjects

Planning

Keywords

Compulsory purchase orders; Supplemental provisions; Written representations procedure

[

13B Written representations procedure: supplementary

- (1) This section applies where the confirming authority decides under [section 13A](#) to follow the written representations procedure.
- (2) The confirming authority may make orders as to the costs of the parties to the written representations procedure, and as to which party must pay the costs.
- (3) An order under subsection (2) may be made a rule of the High Court on the application of any party named in the order.
- (4) The costs incurred by the confirming authority in connection with the written representations procedure must be paid by the acquiring authority, if the confirming authority so directs.
- (5) The confirming authority may certify the amount of its costs, and any amount so certified and directed to be paid by the acquiring authority is recoverable summarily by the confirming authority as a civil debt.
- (6) [Section 42\(2\)](#) of the [Housing and Planning Act 1986](#) (recovery of Minister's costs in connection with inquiries) applies to the written representations procedure as if the procedure is an inquiry specified in [section 42\(1\)](#) of that Act.
- (7) Regulations under [section 13A\(6\)](#) may make provision as to the giving of reasons for decisions taken in cases where the written representations procedure is followed.

] ¹

Notes

- 1 Ss 13-13C substituted for s.13 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(6\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)

*Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > Confirmation
of order > s. 13B Written representations procedure: supplementary*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13C Confirmation in stages



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

6 August 2004 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Confirmation

[

13C Confirmation in stages

- (1) The confirming authority may confirm an order (with or without modifications) so far as it relates to part of the land comprised in the order (the “relevant part”) if each of the conditions in subsection (2) is met.
- (2) The conditions are—
 - (a) the confirming authority is satisfied that the order ought to be confirmed so far as it relates to the relevant part but has not for the time being determined whether the order ought to be confirmed so far as it relates to the remaining part;
 - (b) the confirming authority is satisfied that the notice requirements have been complied with.
- (3) If there is a remaining objection in respect of the order, the confirming authority may only act under subsection (1) after complying with [section 13A\(2\) or \(3\)](#) (as the case may be).
- (4) But it may act under subsection (1) without complying with those provisions if it is satisfied that all remaining objections relate solely to the remaining part of the land.
- (5) If the confirming authority acts under subsection (1)—
 - (a) it must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;
 - (b) the order so far as it relates to each part of the land must be treated as a separate order.
- (6) The notices to be published, affixed and served under [section 15](#) must include a statement as to the effect of the direction given under subsection (5)(a).
- (7) Notice requirements must be construed in accordance with [section 13](#).
- (8) Remaining objection must be construed in accordance with [section 13A](#).

] ¹

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 1 Ss 13-13C substituted for s.13 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(6\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
-

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES
> Confirmation of order > s. 13C Confirmation in stages

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14 Land not originally included in order.



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; Exclusion; Real property

14. Land not originally included in order.

The order as confirmed by the confirming authority shall not, unless all persons interested consent, authorise the acquiring authority to purchase compulsorily any land which the order would not have authorised that authority to purchase compulsorily if it had been confirmed without modification.

1 2

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 S. 15 modified by Housing Act 1988 (c.50), s. 78(1), Sch. 10 Pt. I para. 2(2)

*Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES >
Confirmation of order > s. 14 Land not originally included in order.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14A Confirmation by acquiring authority



Law In Force

Version 1 of 1

31 October 2004 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Confirmation; Local authorities' powers and duties

[

14A Confirmation by acquiring authority

- (1) The power to confirm an order may be exercised by the acquiring authority (instead of the confirming authority) if—
 - (a) the confirming authority has notified the acquiring authority to that effect, and
 - (b) the notice has not been revoked.
- (2) But this section does not apply to an order in respect of land—
 - (a) falling within [section 16\(1\)](#) or [paragraph 3\(1\) of Schedule 3](#), or
 - (b) forming part of a common, open space or fuel or field garden allotment for the purposes of [section 19](#).
- (3) The confirming authority may give notice under subsection (1) if it is satisfied—
 - (a) that the notice requirements have been complied with,
 - (b) that no objection has been made in relation to the proposed confirmation or that all objections have been withdrawn, and
 - (c) that the order is capable of being confirmed without modification.
- (4) An objection is an objection made by any person (whether or not a person mentioned in [section 12\(2\)](#)), including an objection which is disregarded.
- (5) The power to confirm an order under subsection (1) does not include any power—
 - (a) to confirm the order with modifications, or
 - (b) to confirm only a part of the order.
- (6) The acquiring authority must notify the confirming authority as soon as reasonably practicable after it has determined whether or not to confirm the order.
- (7) The confirming authority may revoke a notice given by it under subsection (1).
- (8) But a notice may not be revoked if the determination has already been made and notified by the acquiring authority under subsection (6).
- (9) An order confirmed by the acquiring authority under subsection (1) is to have the same effect as if it were confirmed by the confirming authority.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(10) Notices under this section must be in writing.

(11) Notice requirements and disregarded must be construed in accordance with [section 13](#).

] ¹

Notes

[1](#) Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.102\(2\)](#) (October 31, 2004)

*Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES >
Confirmation of order > s. 14A Confirmation by acquiring authority*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14B Timetables for confirmation of CPOs except by Welsh Ministers



Law In Force

Version 1 of 1

6 April 2018 - Present

Subjects

Local government; Planning; Real property

[

14B Timetables for confirmation of CPOs except by Welsh Ministers

- (1) The Secretary of State must publish one or more timetables in relation to steps to be taken by confirming authorities, other than the Welsh Ministers, in confirming a compulsory purchase order.
- (2) Different timetables may be published in relation to—
 - (a) different confirming authorities, or
 - (b) different types of compulsory purchase order.
- (3) The Secretary of State may at any time revise a timetable published under this section.
- (4) The validity of an order is not affected by any failure to comply with a timetable published under this section.
- (5) The Secretary of State must lay before Parliament an annual report showing the extent to which confirming authorities have complied with any applicable timetable published under this section.
- (6) A report laid by the Secretary of State under this section need not include information about a confirming authority if the number of compulsory purchase orders submitted to it is lower than a minimum specified by the Secretary of State in the report.

] ¹

Notes

- 1 Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.180](#) (April 6, 2018: insertion has effect subject to transitional provisions specified in SI 2018/251 reg.5)

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > Confirmation of order > s. 14B Timetables for confirmation of CPOs except by Welsh Ministers

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14C Timetables for confirmation of CPOs by Welsh Ministers



Law In Force

Version 1 of 1

6 April 2018 - Present

Subjects

Local government; Planning; Real property

[

14C Timetables for confirmation of CPOs by Welsh Ministers

- (1) The Welsh Ministers may publish one or more timetables in relation to steps to be taken by them in confirming a compulsory purchase order.
- (2) Different timetables may be published in relation to different types of compulsory purchase order.
- (3) The Welsh Ministers may at any time revise a timetable published under this section.
- (4) The validity of an order is not affected by any failure to comply with a timetable published under this section.
- (5) The Welsh Ministers must lay before the National Assembly for Wales an annual report showing the extent to which they have complied with any applicable timetable published under this section.

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.180](#) (April 6, 2018: insertion has effect subject to transitional provisions specified in SI 2018/251 reg.5)

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > Confirmation of order > s. 14C Timetables for confirmation of CPOs by Welsh Ministers

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14D Power to appoint inspector



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

6 April 2018 - Present

Subjects

Local government; Planning; Real property

[

14D Power to appoint inspector

- (1) A confirming authority may appoint a person (“an inspector”) to act instead of it in relation to the confirmation of a compulsory purchase order to which [section 13A](#) applies.
- (2) An inspector may be appointed to act in relation to—
 - (a) a specific compulsory purchase order, or
 - (b) a description of compulsory purchase orders.
- (3) An inspector—
 - (a) has the same functions as a confirming authority under this Part (excluding this section),
 - (b) retains those functions even if all remaining objections are withdrawn after the inspector has begun to act in relation to a compulsory purchase order, and
 - (c) may hold a public local inquiry under [section 13A\(3\)\(a\)](#) or act as the person appointed to hear remaining objections under [section 13A\(3\)\(b\)](#).
- (4) Where an inspector is to act in relation to a compulsory purchase order, the confirming authority must inform—
 - (a) every person who has made a remaining objection, and
 - (b) the acquiring authority.
- (5) Where an inspector decides whether or not to confirm the whole or part of a compulsory purchase order, the inspector's decision is to be treated as that of the confirming authority.
- (6) The confirming authority may at any time—
 - (a) revoke its appointment of an inspector, and
 - (b) appoint another inspector.
- (7) If the confirming authority revokes its appointment of an inspector while the inspector is acting in relation to a compulsory purchase order and does not replace the inspector, the authority must give its reasons—
 - (a) to the inspector whose appointment has been revoked, and
 - (b) to all those informed under subsection (4).

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(8) Where in any enactment there is a provision that applies in relation to a confirming authority acting under this Part, that provision is to be read as applying equally in relation to an inspector so far as the context permits.

(9) In this section “*remaining objection*” is to be construed in accordance with [section 13A](#).

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.181\(2\)](#) (April 6, 2018: insertion has effect except in relation to a compulsory purchase order for which the confirming authority is the Welsh Ministers subject to transitional provisions specified in SI 2018/251 reg.5; April 6, 2019 otherwise)
-

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES
> *Confirmation of order* > *s. 14D Power to appoint inspector*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 15 Notices after confirmation of order



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 5 of 5

22 September 2017 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Confirmation; Notices

[

15 Notices after confirmation of order

(1) After the order has been confirmed, the acquiring authority must—

- (a) serve a confirmation notice and a copy of the order as confirmed on each person on whom a notice was required to be served under [section 12](#), and
- (b) affix a confirmation notice to a conspicuous object or objects on or near the land comprised in the order.

(2) The notice under subsection (1)(b) must—

- (a) be addressed to persons occupying or having an interest in the land;
- (b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the date when the order becomes operative.

(3) The acquiring authority must also publish a confirmation notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.

[

(3A) The acquiring authority must comply with subsections (1) and (3) before the end of—

- (a) the period of 6 weeks beginning with the day on which the order is confirmed, or
- (b) such longer period beginning with that day as may be agreed in writing between the acquiring authority and the confirming authority.

(3B) If the acquiring authority fails to comply with subsections (1) and (3) in accordance with subsection (3A), the confirming authority may—

- (a) take any steps that the acquiring authority was required but has failed to take to comply with those subsections, and
- (b) recover the reasonable costs of doing so from the acquiring authority.

]²

(4) A confirmation notice is a notice—

- (a) describing the land;

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(b) stating that the order has been confirmed;

(c) (except in the case of a notice under subsection (1)(a)) naming a place where a copy of the order as confirmed and of the map referred to there may be inspected at all reasonable hours;

(d) that a person aggrieved by the order may apply to the High Court as mentioned in [section 23](#)];³

[

(e) containing a prescribed statement about the effect of [Parts 2 and 3](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#);

(f) inviting any person who would be entitled to claim compensation if a declaration were executed under [section 4](#) of that Act to give the acquiring authority information about the person's name, address and interest in land, using a prescribed form.

]³

(5) A confirmation notice must be in the prescribed form.

[

(6) The acquiring authority must send the confirmation notice to the Chief Land Registrar and it shall be a local land charge.

]⁴]¹

Notes

- 1 Substituted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(7\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
- 2 Added by Neighbourhood Planning Act 2017 c. 20 [Pt 2 c.2 s.34\(1\)](#) (September 22, 2017: insertion has effect in relation to a compulsory purchase order confirmed after 2017 c.20 s.34 comes into force being September 22, 2017)
- 3 Added by Housing and Planning Act 2016 c. 22 [Sch.15 para.2\(2\)](#) (October 1, 2016 for the purpose only of exercising the power to prescribe by regulations the statement referred to in 1981 c.67 s.15(4)(e) and the form referred to in 1981 c.67 s.15(4)(f); February 3, 2017 in so far as not already in force, except in relation to a compulsory purchase order which is made by, or for which the confirming authority is, the Welsh Ministers as specified in SI 2017/75 reg.3(i) subject to transitional provisions specified in SI 2017/75 reg.5; April 6, 2017 subject to transitional provisions specified in SI 2017/281 reg.8(1) otherwise)
- 4 Added by Housing and Planning Act 2016 c. 22 [Sch.15 para.2\(3\)](#) (February 3, 2017 except in relation to a compulsory purchase order which is made by, or for which the confirming authority is, the Welsh Ministers as specified in SI 2017/75 reg.3(i) subject to transitional provisions specified in SI 2017/75 reg.5; April 6, 2017 subject to transitional provisions specified in SI 2017/281 reg.8(1) otherwise)

*Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES >
Confirmation of order > s. 15 Notices after confirmation of order*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 16 Statutory undertakers' land excluded from compulsory purchase.



Law In Force With Amendments Pending

Version 10 of 10

1 July 2022 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; Exclusion; Real property; Statutory undertakings

16.— Statutory undertakers' land excluded from compulsory purchase.

(1) This section applies where the land comprised in a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied that—

- (a) any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) an interest in any of the said land is held for those purposes [and the representation is not withdrawn.]¹ .

(2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

- (a) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
- (b) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,

and certifies accordingly.

[

(3) In the preceding provisions of this section “*statutory undertakers*” include—

- (a) a health service body, as defined in [section 60\(7\)](#) of the [National Health Service and Community Care Act 1990](#) ; [...]³

[

- (aa) [NHS England]⁵ ;

[

- (ab) an integrated care board established under [section 14Z25](#) of the [National Health Service Act 2006](#);

] ⁶]⁴

- (b) a National Health Service trust established under [[section 25](#) of the [National Health Service Act 2006](#) or [section 18](#) of the [National Health Service \(Wales\) Act 2006](#)]⁷ or the [National Health Service \(Scotland\) Act 1978](#) ; [...]⁸

[

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(ba) an NHS foundation trust;[and]¹⁰

] ⁹[...] ¹⁰[

(d) a Local Health Board established under [section 11 of the [National Health Service \(Wales\) Act 2006](#)]¹¹ ;

] ⁸ but in relation to a health service body, as so defined, any reference in those provisions to land acquired or available for acquisition by the statutory undertakers shall be construed as a reference to land acquired or available for acquisition by the Secretary of State for use or occupation by that body

] ²

Notes

- 1 Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.10\(1\)](#) (September 25, 1991)
- 2 S.16(3) added by National Health Service and Community Care Act 1990 (c.19), s.60(2), Sch. 8 Pt. II para. 8(1)
- 3 Word "and" omitted by Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000/90 [Sch.1 para.15\(2\)\(a\)](#) (February 8, 2000)
- 4 Added by Health and Social Care Act 2012 c. 7 [Sch.5 para.22\(a\)](#) (October 1, 2012)
- 5 Words substituted by Health and Care Act 2022 c. 31 [Sch.1 para.1\(1\)](#) (July 1, 2022)
- 6 Substituted by Health and Care Act 2022 c. 31 [Sch.4 para.21](#) (July 1, 2022)
- 7 Words substituted by National Health Service (Consequential Provisions) Act 2006 c. 43 [Sch.1 para.60\(a\)](#) (March 1, 2007)
- 8 Added by National Health Service Reform and Health Care Professions Act 2002 c. 17 [Sch.5 para.25](#) (March 1, 2007 as SI 2006/1407)
- 9 Added by Health and Social Care (Community Health and Standards) Act 2003 c. 43 [Sch.4 para.48](#) (April 1, 2004: November 20, 2003 for the purpose of making regulations or orders as specified in 2003 c.43 s.199(4); April 1, 2004 otherwise)
- 10 Repealed by Health and Social Care Act 2012 c. 7 [Sch.5 para.22\(b\)](#) (April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9)
- 11 Words substituted by National Health Service (Consequential Provisions) Act 2006 c. 43 [Sch.1 para.60\(c\)](#) (March 1, 2007)

Part III SPECIAL KINDS OF LAND > s. 16 Statutory undertakers' land excluded from compulsory purchase.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 17 Local authority and statutory undertakers' land.



Law In Force With Amendments Pending

Version 30 of 30

1 July 2022 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Local authorities' powers and duties; Parliamentary procedure; Statutory undertakings

17.— Local authority and statutory undertakers' land.

(1) This section applies to land which—

- (a) is the property of a local authority, or
- (b) has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

(2) Subject to Subsection (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to [the compulsory purchase of the land]¹ has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

[
(2A) Subsection (3) of section 16 above applies in relation to subsections (1) and (2) above as it applies in relation to the preceding provisions of that section.

] ²

(3) Subsection (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in subsection (4) below), [a National Park authority]³ [an urban development corporation [a Mayoral development corporation]⁵ ,]⁴ [...] ⁶ [...] ⁷ [...] ⁸ [a Welsh planning board,]⁹ any statutory undertakers or a Minister.

(4) In subsection (3) above—

“local authority” means —

(a) in relation to England, the council of a country or district [the Broads Authority]¹⁰ , the council of a London borough, the Common Council of the City of London [, [a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,]¹²]¹¹ [the London Fire Commissioner,]¹³ [a joint authority established by Part 4 of the Local Government Act 1985[or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009]¹⁵ ,]¹⁴

(b) in relation to Wales, the council of a county or [county borough]¹⁶ , [or a police authority established under [section 3 of the Police Act 1996]¹⁸ [...] ¹⁹ ;]¹⁷

and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

“statutory undertakers” includes— [...] ²⁰ [...] ²¹ [

(aa) a National Health Service trust established under [section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006] ²³, and

] ²² [

(aab) an NHS foundation trust,

] ²⁴ [...] ²⁵

(ac) the Schools Funding Council for Wales,

] ²¹ [...] ²⁶ [

(ae) [NHS England] ²⁸,

[

(af) an integrated care board established under section 14Z25 of the National Health Service Act 2006,

] ²⁹] ²⁷

(b) any [...] ³⁰ authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.

[

“a Welsh planning board” means a board constituted under—

(a) section 2(1B) of the Town and Country Planning Act 1990 ; [...] ³²

[...] ³²

] ³¹

(5) An order under paragraph (b) of the definition of “statutory undertakers” in subsection (4) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Notes

- 1 Words substituted by Growth and Infrastructure Act 2013 c. 27 s.25(7)(a) (June 25, 2013: substitution has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))
- 2 S.17(2A) inserted by National Health Service and Community Care Act 1990 (c.19), s. 60(2), Sch. 8 Pt. II para. 8(2)
- 3 Words inserted by Environment Act 1995 c. 25 Sch.10 para.21(1) (November 23, 1995)
- 4 Words added by Planning and Compensation Act 1991 c. 34 Sch.15(I) para.11 (September 25, 1991)
- 5 Words inserted by Localism Act 2011 c. 20 Sch.22 para.7(2) (January 15, 2012)
- 6 Words repealed by Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005/3226 Sch.2(1) para.9(1) (April 1, 2006: repeal has effect subject to transitional provisions specified in SI 2005/3226 art.3)
- 7 Words repealed by Government of Wales Act 1998 c. 38 Sch.18(V) para.1 (October 1, 1998)
- 8 Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 9 Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.17\(1\)\(a\)](#) (April 1, 1996)
- 10 Words inserted by Norfolk and Suffolk Broads Act 1988 (c.4), s. 21, Sch. 6 para. 22
- 11 Words inserted by Police and Magistrates' Courts Act 1994 c. 29 [Sch.4\(II\) para.55\(a\)](#) (October 1, 1994 for the purposes specified in SI 1994/2025 art.6; April 1, 1995 otherwise)
- 12 Words inserted by Policing and Crime Act 2017 c. 3 [Sch.1\(2\) para.43](#) (April 3, 2017)
- 13 Words substituted by Policing and Crime Act 2017 c. 3 [Sch.2\(2\) para.64](#) (April 1, 2018)
- 14 Words substituted by Local Government and Public Involvement in Health Act 2007 c. 28 [Sch.13\(2\) para.37](#) (April 1, 2008)
- 15 Words substituted by Deregulation Act 2015 c. 20 [Sch.13\(3\) para.6\(15\)](#) (May 26, 2015)
- 16 Words substituted by Local Government (Wales) Act 1994 c. 19 [Sch.16 para.64\(1\)](#) (April 1, 1996)
- 17 Words inserted by Police and Magistrates' Courts Act 1994 c. 29 [Sch.4\(II\) para.55\(b\)](#) (October 1, 1994 for the purposes specified in SI 1994/2025 art.6; April 1, 1995 otherwise)
- 18 Words substituted by Police Act 1996 c. 16 [Sch.7\(I\) para.1\(2\)\(q\)](#) (August 22, 1996)
- 19 Words repealed by Criminal Justice and Police Act 2001 c. 16 [Sch.7\(5\)\(1\) para.1](#) (April 1, 2002 as SI 2002/344)
- 20 Repealed by Coal Industry Act 1994 c. 21 [Sch.9 para.27\(1\)](#) (October 31, 1994)
- 21 S.17(4) takes effect with this amendment instead of that made by 1993 c.35 s.11 by Education Act 1996 c. 56 [Sch.37\(I\) para.51\(2\)](#) (November 1, 1996)
- 22 Paragraph (aa) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c.19), s. 66(1), Sch. 9 para. 23
- 23 Words substituted by National Health Service (Consequential Provisions) Act 2006 c. 43 [Sch.1 para.61\(a\)](#) (March 1, 2007)
- 24 Added by Health and Social Care (Community Health and Standards) Act 2003 c. 43 [Sch.4 para.49](#) (April 1, 2004: November 20, 2003 for the purpose of making regulations or orders as specified in 2003 c.43 s.19(4); April 1, 2004 otherwise)
- 25 Repealed by School Standards and Framework Act 1998 c. 31 [Sch.31 para.](#) (September 1, 1999 as SI 1999/2323)
- 26 Repealed by Health and Social Care Act 2012 c. 7 [Sch.5 para.23\(a\)](#) (April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9)
- 27 Added by Health and Social Care Act 2012 c. 7 [Sch.5 para.23\(b\)](#) (October 1, 2012)
- 28 Words substituted by Health and Care Act 2022 c. 31 [Sch.1 para.1\(1\)](#) (July 1, 2022)
- 29 Substituted by Health and Care Act 2022 c. 31 [Sch.4 para.22](#) (July 1, 2022)
- 30 Words repealed by Coal Industry Act 1994 c. 21 [Sch.11\(II\) para.1](#) (October 31, 1994)
- 31 Definition inserted by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.17\(1\)\(b\)](#) (April 1, 1996)
- 32 Repealed by Environment Act 1995 c. 25 [Sch.24 para.1](#) (April 1, 1997 as SI 1996/2560)
-

Part III SPECIAL KINDS OF LAND > Orders subject to special parliamentary procedure > s. 17 Local authority and statutory undertakers' land.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 18 National Trust land.



Law In Force

Version 2 of 2

25 June 2013 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; National Trust; Parliamentary procedure; Real property

18.— National Trust land.

- (1) This section applies to land belonging to the National Trust which is held by the Trust inalienably.
- (2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to [the compulsory purchase of the land] ¹ has been duly made by the National Trust and has not been withdrawn.
- (3) In this section “*held inalienably*”, in relation to land belonging to the National Trust, means that the land is inalienable under [section 21](#) of the [National Trust Act 1907](#) or [section 8](#) of the [National Trust Act 1939](#).

Notes

- ¹ Words substituted by Growth and Infrastructure Act 2013 c. 27 [s.25\(7\)\(a\)](#) (June 25, 2013: substitution has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))

Part III SPECIAL KINDS OF LAND > Orders subject to special parliamentary procedure > s. 18 National Trust land.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 19 Commons, open spaces etc.



Law In Force

Version 2 of 2

25 September 1991 - Present

Subjects

Planning; Real property

Keywords

Commons; Compulsory purchase orders; Open spaces; Parliamentary procedure

19.— Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or

[

(aa) that the land is being purchased in order to secure its preservation or improve its management.

] ¹

(b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) Where it is proposed to give a certificate under this section, the Secretary of State shall [direct the acquiring authority to] ² give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

[

(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.

] ³

(3) A compulsory purchase order may provide for—

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(a) vesting land given in exchange as mentioned in Subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and

(b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject [...] ⁴

[except where the Secretary of State has given a certificate under subsection (1)(aa) above.] ⁴

(4) In this section—

“*common*” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

“*fuel or field garden allotment*” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

“*open space*” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

Notes

- 1 Added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(a\)](#) (September 25, 1991)
 - 2 Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(b\)](#) (September 25, 1991)
 - 3 Added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(c\)](#) (September 25, 1991)
 - 4 Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(1\)\(d\)](#) (September 25, 1991)
-

*Part III SPECIAL KINDS OF LAND > Orders subject to special
parliamentary procedure > s. 19 Commons, open spaces etc.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 21 Land within more than one provision in Part III.



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; Parliamentary procedure

21. Land within more than one provision in Part III.

In the case of land falling within more than one of [sections 17 to 20](#) above a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those sections.

[1](#) [2](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- [2](#) Pt. III applied (with modifications) by Water Act 1989 (c.15), s. 155(3)(4)(7), Sch. 20 para. 6(1)(b)(c) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Part III SPECIAL KINDS OF LAND > Orders subject to special parliamentary procedure > s. 21 Land within more than one provision in Part III.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 22 Notice of giving of certificate.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Certificates; Compulsory purchase orders; Notices; Publication

22. Notice of giving of certificate.

As soon as may be after the giving of a certificate under this Part of this Act, the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.

[1](#) [2](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- [2](#) Pt. III applied (with modifications) by Water Act 1989 (c.15), s. 155(3)(4)(7), Sch. 20 para. 6(1)(b)(c) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Part III SPECIAL KINDS OF LAND > Supplemental > s. 22 Notice of giving of certificate.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Contains public sector information licensed under the Open Government Licence v3.0.

s. 23 Grounds for application to High Court.



Law In Force

Version 2 of 2

1 October 1992 - Present

Subjects

Planning; Real property

Keywords

Applications; Authorisation; Compulsory purchase orders; High Court; Validity

23.— Grounds for application to High Court.

(1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in [section 1\(1\)](#) of this Act, he may make an application to the High Court.

(2) If any person aggrieved by—

(a) a compulsory purchase order, or

(b) a certificate under [Part III](#) of, or [Schedule 3](#) to, this Act,

desires to question the validity thereof on the ground that any relevant requirement has not been complied with in relation to the order or certificate he may make an application to the High Court.

(3) In subsection (2) above “*relevant requirement*” means—

(a) any requirement of this Act, or of any regulation under [section 7\(2\)](#) above, or

(b) any requirement of the [[Tribunals and Inquiries Act 1992](#)]¹ or of any rules made, or having effect as if made, under that Act.

(4) An application to the High Court under this section shall be made within six weeks—

(a) in the case of a compulsory purchase order to which the [Statutory Orders \(Special Procedure\) Act 1945](#) applies (and which is not excluded by [section 27](#) below), from the date on which the order becomes operative under that Act,

(b) in the case of a compulsory purchase order to which the said Act of 1945 does not apply, from the date on which notice of the confirmation or making of the order is first published in accordance with this Act,

(c) in the case of a certificate, the date on which notice of the giving of the certificate is first published in accordance with this Act.

Notes

¹ Words substituted by Tribunals and Inquiries Act 1992 c. 53 [Sch.3 para.14](#) (October 1, 1992)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

*Part IV VALIDITY AND DATE OF OPERATION OF ORDERS AND
CERTIFICATES. > s. 23 Grounds for application to High Court.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 24 Powers of the court.



Law In Force

Version 2 of 2

13 July 2016 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; High Court; Jurisdiction

24.— Powers of the court.

(1) On an application under [section 23](#) above the court may by interim order suspend the operation of the compulsory purchase order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings.

(2) If on the application the court is satisfied that—

(a) the authorisation granted by the compulsory purchase order is not empowered to be granted under this Act or any such enactment as is mentioned in [section 1\(1\)](#) of this Act, or

(b) the interests of the applicant have been substantially prejudiced by any relevant requirement (as defined in [section 23\(3\)](#) above) not having been complied with,

the court may quash the compulsory purchase order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

[

(3) If the court has power under subsection (2) to quash a compulsory purchase order it may instead quash the decision to confirm the order either generally or in so far as it affects any property of the applicant.

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.201](#) (July 13, 2016: insertion has effect subject to saving and transitional provisions specified in SI 2016/733 reg.8)

Part IV VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES. > s. 24 Powers of the court.

Contains public sector information licensed under the Open Government Licence v3.0.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

s. 25



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; Proceedings

25.

Restriction on other court proceedings.

Subject to the preceding provisions of this Part of this Act, a compulsory purchase order, or a certificate under [Part III](#) of, or [Schedule 3](#) to, this Act, shall not, either before or after it has been confirmed, made or given, be questioned in any legal proceedings whatsoever.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Part IV VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES. > s. 25

Contains public sector information licensed under the Open Government Licence v3.0.

s. 26 Date of operation.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; Dates; Notices; Publication

26.— Date of operation.

- (1) Subject to [section 24](#) above, a compulsory purchase order, other than one to which the [Statutory Orders \(Special Procedure\) Act 1945](#) applies, shall become operative on the date on which notice of the confirmation or making of the order is first published in accordance with this Act.
- (2) Subject to [section 24](#) above, a certificate under [Part III](#) of, or [Schedule 3](#) to, this Act shall become operative on the date on which notice of the giving of the certificate is first published in accordance with this Act.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Part IV VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES. > s. 26 Date of operation.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 27 Exclusion of orders confirmed by Act of Parliament.



Law In Force

Version 2 of 2

25 June 2013 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase orders; Exclusion; Parliament; Statutory orders

27. Exclusion of orders confirmed by Act of Parliament.

This Part of this Act shall not apply to an order which is confirmed by Act of Parliament under [section 4 or 6 of the [Statutory Orders \(Special Procedure\) Act 1945](#)] ¹.

Notes

- ¹ Words inserted by Growth and Infrastructure Act 2013 c. 27 [s.25\(9\)](#) (June 25, 2013: insertion has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))

*Part IV VALIDITY AND DATE OF OPERATION OF ORDERS AND
CERTIFICATES. > s. 27 Exclusion of orders confirmed by Act of Parliament.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 28 Acquisition of rights over land by the creation of new rights.



Law In Force

Version 3 of 3

25 July 2003 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Proprietary rights

28. Acquisition of rights over land by the creation of new rights.

[Schedule 3](#) to this Act applies to the compulsory acquisition under this Act of rights over land by the creation of new rights by virtue of—

[...] ¹ [

(aa) [section 21A](#) of the [Welsh Development Agency Act 1975](#).,

] ²

(b) [section 13 \(1\)](#) of the Local Government (Miscellaneous Provisions) Act 1976,

[...] ³

(d) [section 142\(4\)](#) of the Local Government, Planning and Land Act 1980,

(e) [section 250](#) of the Highways Act 1980.

[...] ⁴ [

(g) paragraph 1 of Schedule 3 to the Gas Act 1986.

] ⁵ [

(h) paragraph 1 of Schedule 3 to the Electricity Act 1989.

] ⁶ [

(i) [paragraph 3\(3\)](#) of Schedule 4 to the [Communications Act 2003](#).

] ⁷

Notes

¹ S. 28(a) repealed by Gas Act 1986 (c.44), s. 67(1), Sch. 7 para. 29

² Added by Government of Wales Act 1998 c. 38 [Sch.14\(II\) para.18](#) (October 1, 1998)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 3 Repealed by Government of Wales Act 1998 c. 38 [Sch.18\(IV\) para.1](#) (October 1, 1998)
 - 4 Repealed subject to the transitional provisions specified in 2003 c.21 Sch.18 para.13 and SI 2003/1900 art.3(1) by Communications Act 2003 c. 21 [Sch.19 para.1](#) (July 25, 2003 as SI 2003/1900, subject to the transitional provisions specified in 2003 c.21 Sch.18 para.13 and SI 2003/1900 art.3(1))
 - 5 S.28(g) inserted by Gas Act 1986 (c.44), s. 67(1), Sch. 7 para. 29
 - 6 S.28(h) inserted by Electricity Act 1989 (c.29), ss. 112(1)(3), Sch. 16 para. 28, Sch. 17 paras. 33, 35(1)
 - 7 Added by Communications Act 2003 c. 21 [Sch.17 para.58\(2\)](#) (July 25, 2003 subject to transitional provisions specified in SI 2003/1900 art.3(1); December 29, 2003 being the date on which the transitional provisions cease to have effect as specified in SI 2003/3142 art.3(2))
-

Part V PROCEDURE IN SPECIAL CASES > Compulsory acquisition of rights over land > s. 28 Acquisition of rights over land by the creation of new rights.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 29 Compulsory rights orders under Opencast Coal Act 1958.



Law In Force

Version 3 of 3

31 October 2004 - Present

Subjects

Mining; Planning

Keywords

Coal; Compulsory purchase orders; Mineral rights; Opencast mining

29.— Compulsory rights orders under Opencast Coal Act 1958.

- (1) This Act in its application to compulsory rights orders by [section 4](#) of the [Opencast Coal Act 1958](#) has effect subject to this section.
- (2) [Parts II, III and IV](#) of this Act shall apply as if in those provisions—
- (a) any reference to a compulsory purchase order were a reference to a compulsory rights order,
 - (b) any reference to the acquiring authority were a reference to [the Coal Authority]¹, and any reference to the confirming authority were a reference to the Secretary of State, and
 - (c) any reference to authorising the compulsory purchase of land were a reference to operating so as to confer [...] ² temporary rights of occupation and use of land.
- (3) Any modifications of particular provisions of this Act which are specified in the following provisions of this section shall have effect, in relation to those provisions, in addition to the general modifications mentioned above.
- (4) Part II of this Act shall apply as if for [section 12](#) there was substituted—

“12.

The acquiring authority shall—

- (a) serve on all persons who at the time when notice of the order is first published under [section 11](#) above are known to the acquiring authority to be persons directly concerned a notice in the prescribed form—
 - (i) stating the effect of the order and that it is about to be submitted for confirmation, and
 - (ii) specifying the time (not being less than 21 days from service of the notice) within which, and the manner in which, objections thereto can be made, and
- (b) affix conspicuously to some conspicuous object or objects on the land comprised in the order a notice or notices containing the particulars specified in paragraph (a)(i) and (ii) above.”

Acquisition of Land Act 1981

(5) [Section 13](#) of this Act shall apply as if for [the reference to a qualifying person for the purposes of [section 12\(2\)](#)]³ there were substituted a reference to any person who, in relation to the order, is a person directly concerned.

(6) Except where the Secretary of State is proceedings concurrently with respect to an application for [opencast planning permission]⁴ and a compulsory rights order, the Secretary of State may disregard an objection to such an order if he is satisfied that it relates to the question whether [opencast planning permission should be granted or should have been granted]⁴ and either—

(a) it relates exclusively to that question, or

(b) in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation.

This Subsection is without prejudice to the operation of section 13 of this Act.

[

(6A) [Part III](#) of this Act shall apply as if [section 17](#) were omitted.

]⁵

(7) In [section 19](#) of this Act—

(a) any reference to giving other land in exchange shall be construed as a reference to making other land available during the period for which the compulsory rights order is to have effect,

(b) the provisions of the said section 19 as to the vesting of land, and as to its being made subject to the like rights, trusts and incidents as the land purchased, shall apply with the necessary modifications, and

(c) [subsection \(3\)\(b\)](#) shall not apply.

(8) Section 23 of this Act shall apply as if—

(a) in [subsection \(1\)](#) for the first reference to this Act there were substituted a reference to the Opencast Coal Act 1958,

(b) in [subsection \(3\)\(a\)](#) the reference to this act included a reference to that Act.

(9) The date on which the compulsory rights order becomes operative shall be that mentioned in [section 26\(1\)](#) of this Act or such later date (not being more than one year after confirmation of the order) as may be determined by the Secretary of State and specified in the order as confirmed.

(10) In the application of this Act to compulsory rights orders “*prescribed*” means prescribed by regulations under the Opencast Coal Act 1958.

(11) [In this section “*opencast planning permission*” and “*persons directly concerned*” have the same meanings as in the Opencast Coal Act 1958.”]⁶

Notes

- 1 Words substituted by Coal Industry Act 1994 c. 21 [Sch.9 para.27\(2\)\(a\)\(i\)](#) (October 31, 1994)
- 2 Words omitted by Coal Industry Act 1994 c. 21 [Sch.9 para.27\(2\)\(a\)\(ii\)](#) (October 31, 1994)
- 3 Words substituted by Planning and Compulsory Purchase Act 2004 c. 5 [Sch.7 para.12](#) (October 31, 2004)
- 4 Words substituted by Housing and Planning Act 1986 (c.63), s. 39(3), Sch. 8 Pt. II para. 18(a)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 5 Added by Coal Industry Act 1994 c. 21 [Sch.9 para.27\(2\)\(b\)](#) (October 31, 1994)
 - 6 Words substituted by Housing and Planning Act 1986 (c.63), s. 39(3), Sch. 8 Pt. II para. 18(b)
-

Part V PROCEDURE IN SPECIAL CASES > Compulsory acquisition of rights over land > s. 29 Compulsory rights orders under Opencast Coal Act 1958.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 30 Acquisition of rights in connection with underground storage of gas.



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Energy; Planning; Real property

Keywords

Compulsory purchase; Compulsory purchase orders; Gas; Proprietary rights; Storage

30.— Acquisition of rights in connection with underground storage of gas.

(1) Subject to this section, in relation to the compulsory purchase—

- (a) of a right to store gas in an underground gas storage under [section 12\(1\)](#) of the [Gas Act 1965](#), or
- (b) of any right under [subsections \(2\) or \(3\) of section 13](#) of that Act,

this Act, the enactments incorporated therewith and the [Compulsory Purchase Act 1965](#) shall have effect as if—

- (i) references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the stratum of land constituting the underground gas storage or, as the case may be, the land comprising the well, borehole or shaft, and
- (ii) references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the right.

(2) In relation to the compulsory purchase of a right to store gas in an underground gas storage under [section 12\(1\)](#) of the [Gas Act 1965](#) this Act shall have effect—

- (a) as if in [sections 16 to 18](#) of this Act references to the land comprised in the compulsory purchase order included references to any land held with the stratum of land constituting the underground gas storage,
- (b) as if [sections 19 and 20](#) of this Act were omitted.

(3) [Section 28](#) above and [Schedule 3](#) to this Act shall not apply to a compulsory purchase to which this section applies.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

(with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Part V PROCEDURE IN SPECIAL CASES > Compulsory acquisition of rights over land > s. 30 Acquisition of rights in connection with underground storage of gas.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 31 Acquisition under certain Acts of statutory undertakers' land without a certificate.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 4 of 4

15 January 2012 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Statutory undertakings

31.— Acquisition under certain Acts of statutory undertakers' land without a certificate.

(1) This section applies to a compulsory purchase order under—

(a) [the [Town and Country Planning Act 1990](#) or the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)]¹,

[...]²

(c) [section 142](#) or [143](#) of the [[Local Government, Planning and Land Act](#)]³ 1980 (acquisition by urban development corporation),

[

(ca) [section 207\(2\)](#) of the [Localism Act 2011](#) (acquisition by Mayoral development corporation),

]⁴ [or

(d) [section 21A](#) of, and [Schedule 4](#) to, the [Welsh Development Agency Act 1975](#).,

]⁵ being a compulsory purchase order authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.

[

(2) [Section 16\(2\)](#) of, and [paragraph 3\(2\) of Schedule 3](#) to, this Act shall not apply to an order confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would (apart from this subsection) have power to make or confirm it.

]⁶

(4) Where in accordance with this section a compulsory acquisition is effected under a compulsory purchase order confirmed or made without the appropriate Minister's certificate [[sections 280 to 282](#) of the [Town and Country Planning Act 1990](#)]⁷ (measure of compensation) shall apply in accordance with [[section 280\(1\)\(c\)](#)]⁷ of that Act.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 1 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 53(2)(a)
 - 2 Repealed by Government of Wales Act 1998 c. 38 [Sch.18\(V\) para.1](#) (October 1, 1998)
 - 3 Words substituted by Government of Wales Act 1998 c. 38 [Pt VI s.135\(3\)](#) (October 1, 1998)
 - 4 Added by Localism Act 2011 c. 20 [Sch.22 para.7\(3\)](#) (January 15, 2012)
 - 5 S.31(1)(d) and the word "or" immediately preceding it by Government of Wales Act 1998 c. 38 [Sch.14\(II\) para.19](#) (October 1, 1998)
 - 6 S.31(2) substituted for s.31(2) and (3) by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.10\(2\)](#) (September 25, 1991)
 - 7 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 53(2)(b)
-

*Part V PROCEDURE IN SPECIAL CASES > Statutory undertakers' land > s. 31
Acquisition under certain Acts of statutory undertakers' land without a certificate.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 32 Power to extinguish certain public rights of way.



Law In Force

Version 3 of 3

25 July 2003 - Present

Subjects

Planning; Road traffic

Keywords

Compulsory purchase orders; Public path extinguishment orders

32.— Power to extinguish certain public rights of way.

- (1) This section applies where land is acquired, or proposed to be acquired—
- (a) in pursuance of a compulsory purchase order, or
 - (b) by agreement for a purpose, and by an authority, such that the compulsory acquisition of the land could be authorised by a compulsory purchase order,

and there subsists over any part of the land a public right of way, not being a right enjoyable by vehicular traffic.

- (2) If the acquiring authority is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required, the acquiring authority may by order extinguish the right of way; and [Schedule 6](#) to the [Highways Act 1980](#) shall have effect as to the making, confirmation, validity and date of operation of any such order.

- (3) If the acquiring authority is not the Secretary of State—

- (a) the order under subsection (2) above shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the acquiring authority under [paragraph 2\(1\)\(b\) of Schedule 6](#) to the [Highways Act 1980](#) as applied by this section, and
- (b) the Secretary of State shall not confirm the order unless satisfied that this section applies, and that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required.

- (4) The time specified in the order under subsection (2) above as the time from which the right of way is extinguished shall not be earlier than—

- (a) confirmation of the order, or if the Secretary of State is the acquiring authority, the making of the order;
- (b) if in the exercise of the power conferred by [section 11\(1\)](#) of the [Compulsory Purchase Act 1965](#), or by agreement, the acquiring authority takes possession of the land, the date on which the authority takes possession of the land;
- (c) if the acquiring authority does not take possession of the land in exercise of any such power, the date on which the acquisition of the land is completed.

- (5) Where a right of way is extinguished under this section at a date before the acquisition of the land is completed, then if at any time thereafter it appears to the acquiring authority that the proposal to acquire the land has been abandoned, the acquiring authority shall by order direct that the right shall revive, without prejudice, however, to the making of a new order extinguishing the right.

- (6) No order shall be made under subsection (2) above as respects a right of way over land on, over or under which there is any apparatus belonging to statutory undertakers unless the undertakers consent to the making of the order, and—

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(a) the consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require, and

(b) the consent shall not be unreasonably refused.

Any question arising under this subsection whether any requirement or refusal is reasonable shall be determined by the appropriate Minister.

[

(6A) In subsection (6) above the reference to apparatus belonging to statutory undertakers shall include a reference to [electronic communications apparatus kept installed for the purposes of an electronic communications code network]² and in relation to any such apparatus—

(a) the references to the undertakers shall have effect as references to the operator of the [network]³ in question; and

(b) the reference to the appropriate Minister shall have effect as a reference to the Secretary of State.

] ¹

(7) This section shall not apply where [section 251 or 258 of the Town and Country Planning Act 1990]⁴ (extinction of public rights of way over land held for planning purposes) applies.

(8) This section applies subject to any provision to the contrary in any other Act and subject in particular to the exclusion of this Part of this Act by—

[section 41, 42 or 42A of the Civil Aviation Act 1982]⁵,

[...] ⁶.

(9) Except as provided in this section nothing in this Act shall be taken to authorise the extinction of any public right of way.

Notes

¹ S.32(6A) inserted by Telecommunications Act 1984 (c.12), Sch. 4 para. 80(2), Sch. 5 para. 45

² Words substituted by Communications Act 2003 c. 21 Sch.17 para.58(3)(a) (July 25, 2003 subject to transitional provisions specified in SI 2003/1900 art.3(1); December 29, 2003 being the date on which the transitional provisions cease to have effect as specified in SI 2003/3142 art.3(2))

³ Word substituted by Communications Act 2003 c. 21 Sch.17 para.58(3)(b) (July 25, 2003 subject to transitional provisions specified in SI 2003/1900 art.3(1); December 29, 2003 being the date on which the transitional provisions cease to have effect as specified in SI 2003/3142 art.3(2))

⁴ Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 53(3)

⁵ Words substituted by Transport Act 2000 (Consequential Amendments) Order 2001/4050 Sch.1(II) para.5(b) (December 21, 2001)

⁶ Words repealed by Airports Act 1986 (c.31), s. 83(5), Sch. 6 Pt. I

Part VI FOOTPATHS AND BRIDLEWAYS > s. 32 Power to extinguish certain public rights of way.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 33 Land acquired before commencement of this Act.



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Road traffic

Keywords

Acquisition of land; Compulsory purchase orders; Public path extinguishment orders

33.— Land acquired before commencement of this Act.

(1) In [section 32](#) above “*compulsory purchase order*” includes—

- (a) a compulsory purchase order under the [Acquisition of Land \(Authorisation Procedure\) Act 1946](#), and
- (b) an authorisation under [section 2](#) of that Act (which was repealed by the Statute Law Revision Act 1953).

(2) Section 32 above shall apply in relation to land acquired before the commencement of the said Act of 1946 by a local authority, being—

(a) land acquired compulsorily under any public general Act in force immediately before the commencement of the said Act of 1946 other than—

- (i) the [Light Railways Acts 1896 and 1912](#),
- (ii) [part III](#) of the [Housing Act 1936](#),
- (iii) the [Town and Country Planning Act 1944](#), or

(b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Part VI FOOTPATHS AND BRIDLEWAYS > s. 33 Land acquired before commencement of this Act.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 34 Consequential amendments, transitionals and repeals.



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Repeals; Transitional provisions

34.— Consequential amendments, transitionals and repeals.

[...] ¹

(2) The transitional provisions in [Schedule 5](#) to this Act shall have effect.

[...] ^{2 3}

Notes

¹ Provides for amendments of enactments specified in Sch. 4

² Repeals enactments and instruments specified in Sch. 6

³ Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Part VII SUPPLEMENTAL > s. 34 Consequential amendments, transitionals and repeals.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 35 Short title, commencement and extent.



Law In Force

Version 1 of 1

30 October 1981 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Commencement; Compulsory purchase; Extent; Short titles

35.— Short title, commencement and extent.

- (1) This Act may be cited as the Acquisition of Land Act 1981.
- (2) This Act shall come into force at the expiration of a period of three months beginning with the date on which it is passed.
- (3) This Act, except so far as [Schedule 4](#) amends any enactment which extends to Scotland or Northern Ireland, extends to England and Wales only.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Part VII SUPPLEMENTAL > s. 35 Short title, commencement and extent.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 1



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Ministers

1.—

- (1) This Schedule has effect where a Minister is the acquiring authority.
- (2) The compulsory purchase order shall be prepared in draft and shall describe by reference to a map the land to which it applies.
- (3) Subject as aforesaid the form of the order shall be such as the Minister may determine.
- (4) As soon as may be after the draft of the order has been prepared, and before making the order, the Minister shall comply with [paragraphs 2 and 3](#) below.
- (5) The provisions of the said paragraphs 2 and 3 as to the notice thereby required shall apply subject to such modifications of the form of the notice as appear to the Minister to be requisite.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 1 PURCHASES BY MINISTERS > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 2



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 2 of 2

6 August 2004 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Ministers' powers and duties; Newspapers; Notices

2.—

(1) The Minister shall in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the draft order is situated.

(2) The notice shall—

- (a) state that the order has been prepared in draft and is about to be made,
- (b) describe the land and state the purpose for which the land is required,
- (c) name a place within the locality where a copy of the draft order and of the map referred to therein may be inspected, and
- (d) specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the draft order can be made.

[

(3) In addition, the Minister shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the draft order.

(4) The notice under sub-paragraph (3) must—

- (a) be addressed to persons occupying or having an interest in the land, and
- (b) set out each of the matters mentioned in sub-paragraph (2) (but reading the reference there to first publication of the notice as a reference to the day when the notice under sub-paragraph (3) is first affixed).

] ¹

Notes

- ¹ Added by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.101(2) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Schedule 1 PURCHASES BY MINISTERS > Notices in newspapers > para. 2

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 3



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 5 of 5

30 September 2022 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Lessees; Ministers' powers and duties; Notices; Occupiers; Owners

3.—

(1) The Minister shall serve on every [qualifying person]¹ a notice in the prescribed form—

- (a) stating the effect of the draft order,
- (b) stating that it is about to be made, and
- (c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the draft order can be made.

[

(2) A person is a qualifying person, in relation to land comprised in a draft order, if—

- (a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of any such land, [...]³
- (b) he falls within sub-paragraph (2A) [, or]⁴

[

(c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of [Part 7](#) of the Environment Act 2021) relating to the land.

]⁴

(2A) A person falls within this sub-paragraph if he is—

- (a) a person to whom the Minister would, if proceeding under [section 5\(1\)](#) of the [Compulsory Purchase Act 1965](#), be required to give a notice to treat, or
- (b) a person the Minister thinks is likely to be entitled to make a relevant claim if the order is made and the compulsory purchase takes place, so far as he is known to the Minister after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under [section 10](#) of the [Compulsory Purchase Act 1965](#) (compensation for injurious affection).

]²

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(3) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated]⁵. In this subparagraph “*ecclesiastical property*” means land belonging to any ecclesiastical benefice [of the Church of England]⁶, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese [of the Church of England]⁶ or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [...]⁷.

Notes

- 1 Words substituted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.101\(3\)\(a\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)
 - 2 Sch.1 para.3(2)-(2B) substituted for Sch.1 para.3(2) by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.101\(3\)\(b\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)
 - 3 Word repealed by Environment Act 2021 c. 30 [Sch.20 para.3\(3\)\(a\)](#) (September 30, 2022)
 - 4 Added by Environment Act 2021 c. 30 [Sch.20 para.3\(3\)\(b\)](#) (September 30, 2022)
 - 5 Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(2\)\(a\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
 - 6 Words inserted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(2\)\(b\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
 - 7 Words repealed by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(2\)\(c\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
-

Schedule 1 PURCHASES BY MINISTERS > Notices to owners, lessees, occupiers and others > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 4



Law In Force

Version 2 of 2

6 August 2004 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Ministers' powers and duties

[

4

- (1) The Minister may make a compulsory purchase order with or without modifications if he is satisfied—
 - (a) that the notice requirements have been complied with, and
 - (b) that one of the conditions in sub-paragraph (2) is satisfied.
- (2) The conditions are—
 - (a) no relevant objection is made;
 - (b) every relevant objection made is either withdrawn or disregarded.
- (3) The appropriate authority may require every person who makes a relevant objection to state the grounds of the objection in writing.
- (4) If the appropriate authority is satisfied that an objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed it may disregard the objection.
- (5) The notice requirements are the requirements under [paragraphs 2 and 3](#) to publish, affix and serve notices in connection with the compulsory purchase order.
- (6) A relevant objection is an objection by a person who is a qualifying person for the purposes of [paragraph 3\(2\)](#), but if such a person qualifies only by virtue of [paragraph 3\(2A\)\(b\)](#) and the Minister thinks that he is not likely to be entitled to make a relevant claim his objection is not a relevant objection.
- (7) Disregarded means disregarded under sub-paragraph (4) or under any other power to disregard a relevant objection contained in the enactment providing for the compulsory purchase.
- (8) The appropriate authority is—
 - (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly,
 - (b) in any other case, the Minister.
- (9) Highway land acquisition powers must be construed in accordance with the [Highways Act 1980](#).
- (10) The planning Minister is the Secretary of State for the time being having general responsibility in planning matters.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

] ¹

Notes

- ¹ Sch.1 paras 4-4B substituted for Sch.1 para.4 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.101\(4\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)
-

Schedule 1 PURCHASES BY MINISTERS > Making of order > para. 4

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 4A



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

6 August 2004 - Present

Subjects

Planning

Keywords

Acquisition of land; Compulsory purchase orders; Ministers' powers and duties; Objections

[

4A

- (1) This paragraph applies to the making of a compulsory purchase order if a relevant objection is made which is neither—
 - (a) withdrawn, nor
 - (b) disregarded,(a remaining objection).
- (2) The appropriate authority may proceed under the written representations procedure—
 - (a) if the order is not subject to special parliamentary procedure;
 - (b) in the case of an order to which [section 16](#) applies, if a certificate has been given under [subsection \(2\)](#) of that section, and
 - (c) if every person who has made a remaining objection consents in the prescribed manner.
- (3) If sub-paragraph (2) does not apply or if the appropriate authority decides not to proceed under that sub-paragraph, it must either—
 - (a) cause a public local inquiry to be held, or
 - (b) give every person who has made a remaining objection an opportunity of appearing before and being heard by a person appointed by the appropriate authority for the purpose.
- (4) If a person who has made a remaining objection takes the opportunity to appear before a person appointed under sub-paragraph (3)(b) the appropriate authority must give any other person it thinks appropriate the opportunity to be heard at the same time.
- (5) The Minister may make the order with or without modifications if—
 - (a) the appropriate authority has considered the objection, and
 - (b) one of the conditions in sub-paragraph (6) is satisfied.
- (6) The conditions are—

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(a) the appropriate authority has followed the written representations procedure;

(b) in a case which falls within sub-paragraph (3), if an inquiry was held or a person was appointed under sub-paragraph (3)(b), the appropriate authority has considered the report of the person who held the inquiry or who was so appointed.

(7) The written representations procedure is such procedure as is prescribed for the purposes of this paragraph including provision affording an opportunity to—

(a) every person who has made a remaining objection, and

(b) any other person the appropriate authority thinks appropriate,

to make written representations as to whether the order should be made.

(8) Regulations under sub-paragraph (7) may make provision as to the giving of reasons for decisions taken in cases where the written representations procedure is followed.

(9) Expressions used in this paragraph and in [paragraph 4](#) must be construed in accordance with [paragraph 4](#).

] ¹

Notes

- ¹ Sch.1 paras 4-4B substituted for Sch.1 para.4 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.101\(4\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)

Schedule 1 PURCHASES BY MINISTERS > Making of order > para. 4A

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 4B



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

6 August 2004 - Present

Subjects

Planning

Keywords

Acquisition of land; Compulsory purchase orders; Conditions; Ministers' powers and duties

[

4B

(1) The Minister may make an order (with or without modifications) so far as it relates to part of the land comprised in the draft order (the “relevant part”) if each of the conditions in sub-paragraph (2) is met.

(2) The conditions are—

(a) the Minister or, if there is a remaining objection in respect of the order, the appropriate authority is satisfied that the order ought to be made so far as it relates to the relevant part but has not for the time being determined whether the order ought to be made so far as it relates to the remaining part;

(b) the Minister is satisfied that the notice requirements have been complied with.

(3) If there is a remaining objection in respect of the order, the Minister may only act under sub-paragraph (1) after the appropriate authority has complied with [paragraph 4A\(2\) or \(3\)](#) (as the case may be).

(4) But he may act under sub-paragraph (1) without the appropriate authority having complied with those provisions if he is satisfied that all remaining objections relate solely to the remaining part of the land.

(5) If the Minister acts under sub-paragraph (1)—

(a) he must give a direction postponing consideration of the order, so far as it relates to the remaining part, until such time as may be specified by or under the direction;

(b) the order so far as it relates to each part of the land must be treated as a separate order.

(6) The notices to be published, affixed and served under paragraph 6 must include a statement as to the effect of the direction given under sub-paragraph (5)(a).

(7) Expressions used in this paragraph and in [paragraph 4 or 4A](#) must be construed in accordance with [paragraph 4 or 4A](#) (as the case may be).

] ¹

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- ¹ Sch.1 paras 4-4B substituted for Sch.1 para.4 by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.101\(4\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)
-

Schedule 1 PURCHASES BY MINISTERS > Making of order > para. 4B

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 5



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning

Keywords

Acquisition of land; Authorisation; Compulsory purchase orders; Exclusion; Ministers' powers and duties; Real property

5.

The order, as made by the Minister, shall not, unless all persons interested consent, authorise the Minister to purchase compulsorily any land which the draft order would not have authorised the Minister to purchase compulsorily if it had been made without modification.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 1 PURCHASES BY MINISTERS > Land not included in draft order > para. 5

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 PURCHASES BY MINISTERS para. 6



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 4 of 4

3 February 2017 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Ministers' powers and duties; Notices

[

6

(1) After the order has been made, the Minister must—

(a) serve a making notice, and a copy of the order as made, on each person on whom a notice was required to be served under [paragraph 3](#), and

(b) affix a making notice to a conspicuous object or objects on or near the land comprised in the order.

(2) The notice under sub-paragraph (1)(b) must—

(a) be addressed to persons occupying or having an interest in the land;

(b) so far as practicable, be kept in place by the acquiring authority until the expiry of a period of six weeks beginning with the date when the order becomes operative.

(3) The Minister must also publish a making notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.

(4) A making notice is a notice—

(a) describing the land;

(b) stating that the order has been made;

(c) (except in the case of a notice under sub-paragraph (1)(a)) naming a place where a copy of the order as made and of the map referred to there may be inspected at all reasonable hours;

(d) that a person aggrieved by the order may apply to the High Court as mentioned in [section 23](#)[;]²

[

(e) containing a prescribed statement about the effect of [Parts 2 and 3](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#);

(f) inviting any person who would be entitled to claim compensation if a declaration were executed under [section 4](#) of that Act to give the acquiring authority information about the person's name, address and interest in land, using a prescribed form.

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

] ²

(5) A making notice must be in the prescribed form.

[

(6) The Minister must send the making notice to the Chief Land Registrar and it shall be a local land charge.

] ³] ¹

Notes

- 1 Substituted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.101\(5\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 31, 2004 otherwise)
- 2 Added by Housing and Planning Act 2016 c. 22 [Sch.15 para.3\(2\)](#) (October 1, 2016 for the purpose only of exercising the power to prescribe by regulations the statement referred to in 1981 c.67 Sch.1 para.6(4)(e) and the form referred to in 1981 c.67 Sch.1 para.6(4)(f); February 3, 2017 in so far as not already in force, except in relation to a compulsory purchase order which is made by, or for which the confirming authority is, the Welsh Ministers as specified in SI 2017/75 reg.3(i) subject to transitional provisions specified in SI 2017/75 reg.5; April 6, 2017 subject to transitional provisions specified in SI 2017/281 reg.8(1) otherwise)
- 3 Added by Housing and Planning Act 2016 c. 22 [Sch.15 para.3\(3\)](#) (February 3, 2017 except in relation to a compulsory purchase order which is made by, or for which the confirming authority is, the Welsh Ministers as specified in SI 2017/75 reg.3(i) subject to transitional provisions specified in SI 2017/75 reg.5; April 6, 2017 subject to transitional provisions specified in SI 2017/281 reg.8(1) otherwise)

Schedule 1 PURCHASES BY MINISTERS > Notices after making of order > para. 6

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 1



Law In Force

Version 2 of 2

31 October 1994 - Present

Subjects

Mining; Planning

Keywords

Acquisition of land; Compulsory purchase orders; Interpretation; Mining

1.—

(1) A compulsory purchase order may, as respects all or any of the land to which the order relates, provide for the incorporation with the compulsory purchase order of—

(a) [Part II](#) of this Schedule (which re-enacts [section 77](#) of the [Railways Clauses Consolidation Act 1845](#)), or

(b) [Parts II and III](#) of this Schedule (which together re-enact [sections 77 to 85](#) of that Act).

(2) In this Schedule, unless the context otherwise requires—

“*mines*” means mines of coal, ironstone, slate and other minerals,

“*owner*” , in relation to mines or minerals, includes a lessee or occupier.

(3) In this Schedule “*underlying*” , in relation to mines or minerals, means mines or minerals lying under, or within the prescribed distance from, the undertaking, and in this sub-paragraph “*prescribed distance*” means the distance prescribed by the compulsory purchase order, or if no distance is so prescribed, 40 yards.

(4) In this Schedule “*the undertaking*” means the undertaking which the acquiring authority is authorised to carry out by the enactment under which the purchase is authorised, but the compulsory purchase order may include such modifications of references in this Schedule to the undertaking as may be specified in the order.

(5) This Schedule has effect subject to [[section 10\(3\)](#) of the [Coal Industry Act 1994](#)]¹ (coal not to be alienated under enactments authorising compulsory purchase of land).

Notes

¹ Words substituted by Coal Industry Act 1994 c. 21 [Sch.9 para.27\(3\)](#) (October 31, 1994)

Schedule 2 MINERALS > Part I > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 2



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Mines; Undertakings

2.—

(1) The acquiring authority shall not be entitled to any mines under the land comprised in the compulsory purchase order unless they have been expressly purchased, and all mines under the land shall be deemed to be excepted out of the conveyance of that land unless expressly named and conveyed.

(2) Sub-paragraph (1) above shall not apply to minerals necessarily extracted or used in the construction of the undertaking.

[1](#) [2](#) [3](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- [2](#) Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 3 Sch.2, Pt. II applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 and applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)
-

Schedule 2 MINERALS > Part II > para. 2

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 3



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Authorisation; Compensation; Compulsory purchase orders; Inspections; Mines; Owners; Undertakings; Works notices

3.—

- (1) If the owner of any underlying mines or minerals desires to work them, he shall give the acquiring authority notice in writing of his intention to do so 30 days before the commencement of working.
- (2) On receipt of the notice the acquiring authority may cause the mines to be inspected by a person appointed by them for the purpose.
- (3) Subject to [paragraph 4\(1\)](#) below, if the acquiring authority consider that the working of the underlying mines or minerals is likely to damage the undertaking, and is willing to compensate the owner for all or any part of the mines, the owner shall not work or get them.
- (4) If the acquiring authority and the owner do not agree on the amount of compensation the question shall be referred to and determined by the [Upper Tribunal] ¹.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.151](#) (June 1, 2009)

Schedule 2 MINERALS > Part III > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 4



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Agreements; Authorisation; Compensation; Compulsory purchase orders; Inspections; Mines; Owners; Undertakings; Works notices

4.—

(1) If before the expiration of 30 days from the receipt of notice under [paragraph 3\(1\)](#) above the acquiring authority do not state their willingness to treat with the owner for the payment of compensation the owner may work any of the underlying mines for which the acquiring authority has not agreed to pay compensation by proper methods and in the usual manner of working such mines in the district in question.

(2) If any damage or obstruction to the undertaking is caused by improper working of the underlying mines—

(a) the owner of the mines shall forthwith repair or remove the damage or obstruction at his own expense,

(b) the acquiring authority may, without waiting for the owner to perform his duty, or in case of his default, repair or remove the damage or obstruction and recover their expenses from the owner in proceedings in the High Court.

[1](#) [2](#) [3](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

2 Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

3 Sch.2, Pt. III applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 Sch.2, Pt. III applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)

Schedule 2 MINERALS > Part III > para. 4

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 5



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Mines; Owners; Severance; Undertakings

5.

- (1) If underlying mines in which any protected minerals are situated extend on both sides of the undertaking, the owner of the mines may cut and make any communication works through the protected minerals required for the ventilation, drainage and working of the mines.
- (2) The communication works shall not exceed the dimensions or sections prescribed by the compulsory purchase order, and where dimensions are not so prescribed, they shall not be more than eight feet high and eight feet wide.
- (3) The communication works shall not be cut or made on any part of the undertaking, or so as to injure it or impede its use.
- (4) In this paragraph—
 - (a) “*protected minerals*” means mines, measures or strata the working of which is prevented under [paragraph 3\(3\)](#) above,
 - (b) “*communication works*” means airways, headings, gateways or water levels.

[1](#) [2](#) [3](#)

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

[2](#) Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

[3](#) Sch.2, Pt. III applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 Sch.2, Pt. III applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)

Schedule 2 MINERALS > Part III > Severed mines > para. 5

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 6



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Mines; Owners; Payments; Severance; Undertakings

6.—

(1) If underlying mines extend on both sides of the undertaking, the acquiring authority shall from time to time pay to the owner of the mines (in addition to any compensation under [paragraph 3](#) above) any expenses and losses incurred by him in consequence of—

- (a) the severance by the undertaking of the land lying over the mines,
- (b) the interruption of continuous working of the mines in consequence of [paragraph 3\(3\)](#) above, and
- (c) the mines being worked in such manner and subject to such restrictions as not to prejudice or injure the undertaking,

And for any minerals not purchased by the acquiring authority which cannot be obtained by reason of the making and maintenance of the undertaking.

(2) Any dispute as to the amount payable under this paragraph shall be determined by arbitration.

[1](#) [2](#) [3](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

[2](#) Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

[3](#) Sch.2, Pt. III applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 Sch.2, Pt. III applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)

Schedule 2 MINERALS > Part III > Severed mines > para. 6

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 7



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compensation; Compulsory purchase; Damages; Loss; Mines; Owners; Severance; Undertakings

7.—

- (1) Where works carried out under [paragraph 5](#) above cause loss or damage to the owner or occupier of land lying over the mines the acquiring authority shall pay full compensation to him for the loss or damage.
- (2) This paragraph shall not apply where the person sustaining the loss or damage is the owner of the mines.

[1](#) [2](#) [3](#)

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- 3 Sch.2, Pt. III applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 Sch.2, Pt. III applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Schedule 2 MINERALS > Part III > Severed mines > para. 7

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 8



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Mines; Owners; Undertakings

8.—

(1) For the purpose of ascertaining whether underlying mines have been worked so as to damage the undertaking the acquiring authority may, after giving 24 hours notice in writing—

(a) enter on any land in which the mines are, or are thought to be, being worked, and which is in or near to the land where the undertaking is situated, and

(b) enter the mines and any works connected with the mines.

(2) For the said purpose the acquiring authority may make use of any apparatus or machinery belonging to the owner of the mines, and may use all necessary means for discovering the distance from the undertaking to the parts of the mines which are, or are about to be, worked.

(3) If the owner of the mines refuses to allow a person appointed by the acquiring authority for the purpose to enter the mines or works under this paragraph he shall be liable on summary conviction to a sum not exceeding £50.

1 2 3

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

[2](#) Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

[3](#) Sch.2, Pt. III applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 Sch.2, Pt. III applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)

Schedule 2 MINERALS > Part III > Powers of entry > para. 8

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 MINERALS para. 9



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Mines; Owners; Remedial works; Undertakings

9.—

- (1) If it appears that mines have been worked contrary to the provisions of this Schedule, the acquiring authority may give notice to the owner of the mines to construct such works and adopt such means as may be necessary or proper for making safe the undertaking, and preventing injury to it.
- (2) If the owner of the mines does not comply with the notice, the acquiring authority may themselves construct the works, and may recover their expenses from the owner by proceedings in the High Court.

[1](#) [2](#) [3](#)

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 3 Sch.2, Pt. III applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 Sch.2, Pt. III applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)
-

Schedule 2 MINERALS > Part III > Remedial works > para. 9

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 1



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Proprietary rights; Statutory definition

1.

In this Schedule “*right*” means a right to which section 28(1) of this Act applies, or any right to which this Schedule is applied by any Act passed after this Act.

1 2

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 Sch. 3 applied by Housing Act 1988 (c.50), s. 77(5)(6);; by Water Act 1989 (c.15), s. 151(4), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58); by Electricity Act 1989 (c.29), ss. 10(1), 112(3), Pt. II para. 5, Sch. 17 para. 35(1)Section 28 and (with modifications) by Water Act 1989 (c.15), s. 155(3)(7), Sch. 20 paras. 6(1)(b)(c) (with ss. 58(7), 101(1), 141(6),160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS > Part I > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 2



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Proprietary rights; Variation

2.—

(1) This Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition of a right as it applies to the compulsory acquisition of land, so that, in appropriate contexts, references in this Act to land are read as referring, or as including references, to the right acquired or to be acquired, or to land over which the right is, or is to be, exercisable, according to the requirements of the particular context.

(2) Without prejudice to the generality of sub-paragraph (1) above, [Part II](#) of this Schedule shall apply to the compulsory acquisition of a right in substitution for [Part III](#) of this Act.

[1](#) [2](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

- 2 Sch. 3 applied by Housing Act 1988 (c.50), s. 77(5)(6);; by Water Act 1989 (c.15), s. 151(4), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58); by Electricity Act 1989 (c.29), ss. 10(1), 112(3), Pt. II para. 5, Sch. 17 para. 35(1)Section 28 and (with modifications) by Water Act 1989 (c.15), s. 155(3)(7), Sch. 20 paras. 6(1)(b)(c) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
-

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE
CREATION OF NEW RIGHTS > Part I > General modifications > para. 2*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 3



Law In Force

Version 2 of 2

25 September 1991 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Proprietary rights; Statutory undertakings

3.—

(1) This paragraph applies where the land over which a right is to be acquired by virtue of a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied—

(a) that any of the said land is used for the purposes of the carrying on of their undertaking, or

(b) that an interest in any of the said land is held for those purposes [...] ¹

[and the representation is not withdrawn.] ¹

(2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of a right over any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

(a) that the right can be purchased without serious detriment to the carrying on of the undertaking, or

(b) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them,

and certifies accordingly.

Notes

¹ Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.10\(1\)](#) (September 25, 1991)

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS > Part II
ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND > Statutory undertakers land > para. 3*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 4



Law In Force

Version 9 of 9

25 June 2013 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Local authorities; Parliamentary procedure; Real property; Statutory undertakings

4.—

(1) This paragraph applies to land which—

- (a) is the property of a local authority, or
- (b) has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

(2) Subject to sub-paragraph (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of rights over land to which this paragraph applies, be subject to special parliamentary procedure in any case where an objection to [the compulsory purchase of the rights] ¹ has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

(3) Sub-paragraph (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in sub-paragraph (4) below), [a National Park authority,] ² [an urban development corporation [, a Mayoral development corporation] ⁴ [...] ⁵ ,] ³ [...] ⁶ [...] ⁷ [a Welsh planning board,] ⁸ any statutory undertakers or a Minister.

(4) In sub-paragraph (3) above—

“*local authority*” means —

(a) in relation to England, the council of a county or [county borough] ⁹ , the council of a London borough, the Common Council of the City of London and the Greater London Council,

(b) in relation to Wales, the council of a county or district,

and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

“*statutory undertakers*” has the same meaning as in [section 17\(3\)](#) of this Act.

[

“*a Welsh planning board*” means a board constituted under—

(a) [section 2\(1B\)](#) of the [Town and Country Planning Act 1990](#)[.] ¹¹

[...] ¹¹

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

] ¹⁰

Notes

- 1 Words substituted by Growth and Infrastructure Act 2013 c. 27 [s.25\(7\)\(b\)](#) (June 25, 2013: substitution has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))
 - 2 Words inserted by Environment Act 1995 c. 25 [Sch.10 para.21\(2\)](#) (November 23, 1995)
 - 3 Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.11](#) (September 25, 1991)
 - 4 Words inserted by Localism Act 2011 c. 20 [Sch.22 para.7\(4\)](#) (January 15, 2012)
 - 5 Words repealed by Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005/3226 [Sch.2\(1\) para.9\(2\)](#) (April 1, 2006: repeal has effect subject to transitional provisions specified in SI 2005/3226 art.3)
 - 6 Words repealed by Government of Wales Act 1998 c. 38 [Sch.18\(V\) para.1](#) (October 1, 1998)
 - 7 Words repealed by Environment Act 1995 c. 25 [Sch.24 para.1](#) (April 1, 1997 as SI 1996/2560)
 - 8 Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.17\(2\)\(a\)](#) (April 1, 1996)
 - 9 Words substituted by Local Government (Wales) Act 1994 c. 19 [Sch.16 para.64\(2\)](#) (April 1, 1996)
 - 10 Definition inserted by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.17\(2\)\(b\)](#) (April 1, 1996)
 - 11 Repealed by Environment Act 1995 c. 25 [Sch.24 para.1](#) (April 1, 1997 as SI 1996/2560)
-

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS >
Part II ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND > Orders subject
to special parliamentary procedure Local authority and statutory undertakers' land > para. 4*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 5



Law In Force

Version 2 of 2

25 June 2013 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Authorisation; Compulsory purchase orders; National Trust; Parliamentary procedure; Real property

5.—

- (1) This paragraph applies to land belonging to the National Trust which is held by the Trust inalienably.
- (2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of rights over land to which this paragraph applies, be subject to special parliamentary procedure in any case where an objection to [the compulsory purchase of the rights]¹ has been duly made by the National Trust and has not been withdrawn.
- (3) In this paragraph “*held inalienably*”, in relation to land belonging to the National Trust, means that the land is inalienable under [section 21](#) of the [National Trust Act 1907](#) or [section 8](#) of the [National Trust Act 1939](#).

Notes

- 1 Words substituted by Growth and Infrastructure Act 2013 c. 27 [s.25\(7\)\(b\)](#) (June 25, 2013: substitution has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS > Part II
ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND > National Trust land > para. 5*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 6



Law In Force

Version 2 of 2

25 September 1991 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Authorisation; Commons; Compulsory purchase orders; Open spaces; Parliamentary procedure

6.—

(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before, or

[

(aa) that the right is being acquired in order to secure the preservation or improve the management of the land

] ¹

(b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order, or

(c) that the land affected by the right to be acquired does not exceed 250 square yards in extent, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) In the case of a compulsory purchase order under the [Highways Act 1980](#) sub-paragraph (1)(c) above shall have effect as if after the words “extent” there were inserted the words “or the right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway”.

(3) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall [direct the acquiring authority to] ² give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if any inquiry has been held, the report of the person who held the inquiry, give the certificate.

[

(3A) Notice under sub-paragraph (3) above shall be given in such form and manner as the Secretary of State may direct.

] ³

(4) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and [except where the Secretary of State has given his certificate under sub-paragraph (1)(aa) above,] ⁴ for discharging the land over which any right is to be acquired from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of that right.

(5) In this paragraph—

“*common*” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

“*fuel or field garden allotment*” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

“*open space*” means any land laid out as a public garden, or used for the purpose of public recreation, or land being a disused burial ground.

Notes

- 1 Added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(2\)\(a\)](#) (September 25, 1991)
 - 2 Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(2\)\(b\)](#) (September 25, 1991)
 - 3 Added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(2\)\(c\)](#) (September 25, 1991)
 - 4 Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.12\(2\)\(d\)](#) (September 25, 1991)
-

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS > Part II
ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND > Commons, open spaces etc. > para. 6*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 8



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Authorisation; Compulsory purchase orders; Local authorities; Parliamentary procedure; Real property; Statutory undertakings

8.

In the case of land falling within more than one of paragraphs 4 to 7 above, a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those paragraphs.

[1](#) [2](#)

Notes

- [1](#) Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- [2](#) Sch. 3 applied by Housing Act 1988 (c.50), s. 77(5)(6);; by Water Act 1989 (c.15), s. 151(4), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58); by Electricity Act 1989 (c.29), ss. 10(1), 112(3), Pt. II para. 5, Sch. 17 para. 35(1)Section 28 and (with modifications) by Water Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

1989 (c.15), s. 155(3)(7), Sch. 20 paras. 6(1)(b)(c) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF
NEW RIGHTS > Part II ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS
OF LAND > Land within more than one provision in this Schedule > para. 8*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

para. 9



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Authorisation; Certificates; Compulsory purchase orders; Notices; Parliamentary procedure; Publication

9.

As soon as may be after the giving of a certificate under this Schedule, the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.

[1](#) [2](#)

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 Sch. 3 applied by Housing Act 1988 (c.50), s. 77(5)(6);; by Water Act 1989 (c.15), s. 151(4), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58); by Electricity Act 1989 (c.29), ss. 10(1), 112(3), Pt. II para. 5, Sch. 17 para. 35(1)Section 28 and (with modifications) by Water Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

1989 (c.15), s. 155(3)(7), Sch. 20 paras. 6(1)(b)(c) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

*Schedule 3 ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS > Part II
ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND > Notice of giving of certificate > para. 9*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 1



Law In Force With Amendments Pending

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- 1 Amends Metropolitan Police Act 1886 (c. 22), s. 4(11); Small Holdings and Allotments Act 1908 (c. 36), s. 25(1); Fire Services Act 1947 (c. 41), s. 3(5); Agriculture Act 1947 (c. 48), ss. 92(1), 93(1)(b); Coast Protection Act 1949 (c. 74), ss. 14(1)(3), 27(3)(6); Prison Act 1952 (c. 52), s. 36(2); Atomic Energy Authority Act 1954 (c. 32), ss. 5(1), 9(3); Caravan Sites and Control of Development Act 1960 (c. 62), s. 24(6); Transport Act 1962 (c. 46), s. 15(1)(3)(4); Agriculture Act 1967 (c. 22), s. 51(7); Leasehold Reform Act 1967 (c. 88), Sch. 4 para. 3(4); Post Office Act 1969 (c. 48), s. 55(1)–(3); Courts Act 1971 (c. 23), Sch. 3 para. 12(1); Slaughterhouses Act 1974 (c. 3), s. 30(2); Welsh Development Agency Act 1975 (c. 70), s. 22(5); Land Drainage Act 1976 (c. 70), s. 37(2)(4); Development of Rural Wales Act 1976 (c. 75), s. 28(1); Refuse Disposal (Amenity) Act 1978 (c. 3), s. 7; Ancient Monuments and Archaeological Areas Act 1979 (c. 46), ss. 10(2), 16(9); Underground Works (London) Act 1956 (c. 59), s. 6(6); Entry relating to the Electricity (Supply) Act 1919 repealed by Energy Act 1983 (c. 25), Sch. 4 Pt. I; Entry relating to the Electricity Act 1947 repealed by Electricity Act 1989 (c. 29), s. 112(4), Sch. 18; Entry relating to Public Works (Festival of Britain) Act 1949 the repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1, Sch. 1 Pt. VII; Entry relating to Mineral Workings Act 1951 repealed by Mineral Workings Act 1985 (c. 12), Sch. 2; Entry relating to the Food and Drugs Act 1955 repealed by Food Act 1984 (c. 30), Sch. 11; Entry relating to the Housing Act 1957 repealed by Housing (Consequential Provisions) Act 1985 (c. 71), s. 3, Sch. 1 Pt. I; Entry relating to the Water Resources Act 1963 repealed by Water Act 1989 (c. 15), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58); Entry relating to the Road Traffic Regulation Act 1967 repealed by Road Traffic Regulation Act 1984 (c. 27), s. 146, Sch. 14; Entry relating to the Housing Act 1969 repealed by Housing (Consequential Provisions) Act 1985 (c. 71), s. 3, Sch. 1 Pt. I; Entry relating to the Town and Country Planning Act 1971 repealed by Planning (Consequential Provisions) Act 1990 (c. 11), s. 3, Sch. 1; Entry relating to the Housing Act 1974 repealed by Housing (Consequential Provisions) Act 1985 (c. 71), s. 3, Sch. 1 Pt. I; Entry relating to Local Government Act 1972 (c. 70), ss. 121(4), 125(4)(7) Repealed in part by Housing and Planning Act 1986 (c. 63), s. 49(2), Sch. 12, Pt. III; Entry relating to the Land Drainage Act 1976 (c. 70) repealed on December 1, 1991 by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), s. 3, Sch. 3; Entry relating to the Welsh Development Agency Act 1975 (c. 70) repealed on October 1, 1998 by Government of Wales Act 1998 (c. 38), s. 152, Sch. 18; Entry relating to the Rural Wales Act 1976 (c. 75) repealed on October 1, 1998 by Government of Wales Act 1998 (c. 38), s. 152, Sch. 18; Entry relating to the Post Office Act 1969 (c. 48) repealed on March 26, 2001 by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 S.I. 2001/1149 art. 3(2), art. 4; Entry relating to s. 92(1) of the Agriculture Act 1947 (c. 48) repealed on July 22, 2004 by Statute Law Repeals Act (c. 14), s. 1(3), Sch. 1
- 2 Act applied with (modifications) by Housing Act 1985 (c. 68), s. 578 Act applied by Housing Associations Act 1985 (c. 69), s. 88(3)(a) Act applied by Airports Act 1986 (c. 31), s. 59(1)(a) Act extended by Airports Act 1986 (c. 31), s. 58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c. 44), s. 9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c. 44), s. 67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c. 44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c. 4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

(with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 2



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Amends Lands Settlement Facilities Act 1919 (c. 59), s. 2(1)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 2

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 3



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

3.

[...] ¹ [...] ¹ [...] ² [...] ³ ⁴

Notes

- 1 Amends Agriculture Act 1947 (c. 48), s. 86(4)(b)
- 2 Amends Agriculture Act 1947 (c. 48), s. 92(2)
- 3 Substitutes Agriculture Act 1947 (c. 48), new s. 92(2)(a)(b)(c)
- 4 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 7



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

7.

[...] ¹ [...] ^{2 3}

Notes

¹ Amends Coast Protection Act 1949 (c. 74), s. 14(2)

² Amends Coast Protection Act 1949 (c. 74), s. 14(3)

³ Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 7

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 8



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Inserts s. 103(1A) in National Parks and Access to the Countryside Act 1949 (c. 97)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 8

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 9



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Substitutes new s. 50 in Housing Repairs and Rents Act 1954 (c.53)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 9

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 11



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

11.

[...] ¹ [...] ¹ [...] ² [...] ³ [...] ⁴ [...] ⁵ ⁶

Notes

- 1 Inserts s. 4(4A) in Opencast Coal Act 1958 (c. 69)
- 2 Amends Opencast Coal Act 1958 (c. 69), s. 4(7)
- 3 Inserts Opencast Coal Act 1958 (c. 69), s. 16(4A)
- 4 Repealed by Housing and Planning Act 1986 (c.63), s. 39(4), Sch. 12 Pt. II
- 5 Amends Opencast Coal Act 1958 (c. 69), Sch. 9 para. 3(2)
- 6 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 11

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 13



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Amends Police Act 1964 (c.48), s. 9(2)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 13

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 14



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

14.

[...] ¹ [...] ¹ [...] ² [...] ³ [...] ⁴ [...] ⁵ [...] ⁶ [...] ⁷ [...] ⁸ ⁹

Notes

- 1 Substitutes new s. 1(1) in Compulsory Purchase Act 1965 (c. 56)
- 2 Amends Compulsory Purchase Act 1965 (c. 56), s. 11(1)
- 3 Substitutes Compulsory Purchase Act 1965 (c. 56), new s. 30
- 4 Amends Compulsory Purchase Act 1965 (c. 56), s. 31
- 5 Amends Compulsory Purchase Act 1965 (c. 56), s. 32
- 6 Amends Compulsory Purchase Act 1965 (c. 56), ss. 33(1), 34(1), 37(1), 38(1) and repealed in part by Housing (Consequential Provisions) Act 1985 (c.71), s. 3 Pt. I and by Water Act 1989 (c.15), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- 7 Repealed by Water Act 1989 (c. 15), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- 8 Amends Compulsory Purchase Act 1965 (c. 56), s. 39(2)
- 9 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Schedule 4 > para. 14

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 15



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

15.

[...] ¹ [...] ¹ [...] ² ³

Notes

- 1 Amends Agriculture Act 1967 (c. 22), s. 50(7)
- 2 Inserts Agriculture Act 1967 (c. 22), Sch. 5 para. 6A
- 3 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 15

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 16



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

16.

[...] ¹ [...] ¹ [...] ² ³

Notes

- 1 Amends Leasehold Reform Act 1967 (c.88), Sch. 4 para. 4
- 2 Substitutes Leasehold Reform Act 1967 (c.88), new Sch. 4 paras. 5(2), 6(2)
- 3 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 16

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 17



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

17.

[...] ¹ [...] ¹ [...] ² [...] ³ [...] ⁴ ⁵

Notes

- 1 Amends Countryside Act 1968 (c.41), Sch. 2 para. 3(2)
- 2 Amends Countryside Act 1968 (c.41), Sch. 2 para. 3(3)
- 3 Amends Countryside Act 1968 (c.41), Sch. 2 para. 3(4)(a)
- 4 Amends Countryside Act 1968 (c.41), Sch. 2 para. 3(6)
- 5 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 17

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 18



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

18.

[...] ¹ [...] ¹

(3) [...] ² [...] ³

⁴

Notes

¹ Amends Transport Act 1968 (c. 73), s. 10(3)

² Amends Transport Act 1968 (c. 73), s. 10(4)

³ Amends Transport Act 1968 (c. 73), s. 10(9)(a)

⁴ Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 18

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 23



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Inserts new Sch. 2 para. 4 in Gas Act 1972 (c. 60)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 23

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 26



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Substitutes new s. 13(5) in Local Government (Miscellaneous Provisions) Act 1976 (c. 57)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 26

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 27



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

27.

[...] ¹ [...] ¹ [...] ² ³

Notes

- 1 Amends Development of Rural Wales Act 1976 (c. 75), s. 6(2)(b)
- 2 Amends Development of Rural Wales Act 1976 (c. 75), s. 6(5)
- 3 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 27

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 28



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- 1 Substitutes new s. 87(4) in National Health Service Act 1977 (c. 49) and repealed on March 1, 2007 by National Health Service (Consequential Provisions) Act (c. 43) s. 6 and Sch. 4
- 2 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 28

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 29



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Amends Ancient Monuments and Archaeological Areas Act 1979 (c. 46), Sch. 5
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 29

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 30



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

30.

[...] ¹ [...] ¹ [...] ² [...] ³ [...] ⁴ [...] ⁵ [...] ⁶ [...] ⁷ [...] ⁸

(10) [...] ⁹ [...] ¹⁰ [...] ¹¹ [...] ¹² [...] ¹³

[...] ¹⁴ [...] ¹⁵ ¹⁶

Notes

- 1 Amends Local Government, Planning and Land Act 1980 (c. 65), s. 104(3)(4)(a)
- 2 Amends Local Government, Planning and Land Act 1980 (c. 65), s. 109
- 3 Amends Local Government, Planning and Land Act 1980 (c. 65), s. 120(1)
- 4 Inserts Local Government, Planning and Land Act 1980 (c. 65), s. 142(2A)
- 5 Amends Local Government, Planning and Land Act 1980 (c. 65), s. 142(5)
- 6 Inserts Local Government, Planning and Land Act 1980 (c. 65), s. 143(3A)
- 7 Amends Local Government, Planning and Land Act 1980 (c. 65), s. 144(2)
- 8 Amends Local Government, Planning and Land Act 1980 (c. 65), s. 171
- 9 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 20 Pt. I para. 1
- 10 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 20 Pt. I para. 2(1)
- 11 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 20 Pt. I para. 2(2)
- 12 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 20 Pt. I para. 4(a)
- 13 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 21 Pt. I para. 4(c)
- 14 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 21 para. 1
- 15 Amends Local Government, Planning and Land Act 1980 (c. 65), Sch. 28 para. 1
- 16 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 30

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 31



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

31.

[...] ¹ [...] ¹ [...] ² [...] ³ [...] ⁴ [...] ⁵ [...] ⁶ [...] ⁷ [...] ⁸ [...] ⁹ [...] ¹⁰ [...] ¹¹ [...] ¹² [...] ¹³ ¹⁴

Notes

- 1 Amends Highways Act 1980 (c. 66), s. 238(2)
- 2 Amends Highways Act 1980 (c. 66), s. 246(4)(a)
- 3 Substitutes Highways Act 1980 (c. 66), new s. 247(2) for s. 247(2)–(4)
- 4 Amends Highways Act 1980 (c. 66), s. 247(5)
- 5 Inserts Highways Act 1980 (c. 66), new s. 250(3A)
- 6 Substitutes Highways Act 1980 (c. 66), new s. 250(5)(a) for s. 250(5)(a)(b)
- 7 Amends Highways Act 1980 (c. 66), s. 254(1)
- 8 Amends Highways Act 1980 (c. 66), s. 254(6)
- 9 Amends Highways Act 1980 (c. 66), s. 257(1)(2)(4)
- 10 Amends Highways Act 1980 (c. 66), s. 258(1)
- 11 Amends Highways Act 1980 (c. 66), s. 259(1)
- 12 Amends Highways Act 1980 (c. 66), s. 259(2)
- 13 Amends Highways Act 1980 (c. 66), s. 322(5)(a)
- 14 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 31

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 32



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Amends Animal Health Act 1981 (c. 22), s. 55(2)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 32

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 para. 33



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Local government; Planning; Real property

[...] ¹ ²

Notes

- ¹ Amends New Towns Act 1981 (c. 64), s. 72(2)
- ² Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 4 > para. 33

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 1



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Documents; Transitional provisions

1.—

(1) This paragraph is without prejudice to [section 17\(2\)\(a\)](#) of the [Interpretation Act 1978](#) as extended to the interpretation of subordinate legislation and instruments and documents by [section 23\(2\) and \(3\)](#) of that Act.

(2) Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Schedule 5 TRANSITIONAL > References to old law to include new law > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 2



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Transitional provisions

2.

Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by [Schedule 4](#) to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the circumstances or purposes in relation to which the corresponding provision in the enactments repealed by this Act has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purpose of, that corresponding provision.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 5 TRANSITIONAL > References to new law to include old law > para. 2

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 3



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Time; Transitional provisions

3.

Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provisions of this Act had been in force when that period began to run.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 5 TRANSITIONAL > Periods of time > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 4



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Local authorities' powers and duties; Ministers' powers and duties; Transfer of functions; Transitional provisions

4.—

(1) Any reference in this Act (whether express or implied) to a thing done by a Minister, or by a local authority, under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done by a predecessor authority under the corresponding enactment repealed by this Act.

(2) In this paragraph “*predecessor authority*” means—

(a) where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred,

(b) where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the [London Government Act 1963](#), the [Local Government Act 1972](#) and the [Water Act 1973](#)) the authority from whom the function was transferred.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Notes

Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 5 TRANSITIONAL > Successor authorities > para. 4

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 5



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Authorisation; Compulsory purchase; Procedure; Transitional provisions

5.

[Section 1\(1\)\(a\)](#) of this Act includes in particular a compulsory purchase “in relation to” which this Act applies or has effect by virtue of any enactment in which this Act substitutes a reference to this Act for a reference to the [Acquisition of Land \(Authorisation Procedure\) Act 1946](#).

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Schedule 5 TRANSITIONAL > Construction of enactments applying the 1946 Act > para. 5

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 6



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Compulsory purchase; Compulsory purchase orders; Local authorities; New towns; Statutory undertakings; Transitional provisions

6.

[Section 17\(3\)](#) and [paragraph 4\(3\) of Schedule 3](#) above—

(a) shall not apply where the notice of the making or preparation in draft of the compulsory purchase order was first duly published before 6th April 1976,

(b) shall have effect, in relation to the period before 13th November 1980, as if the persons there mentioned included a development corporation as defined in [section 3\(1\)](#) of the [New Towns Act 1981](#) and a joint Board established (in England) under [section 2](#) of the [Community Land Act 1975](#).

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

*Schedule 5 TRANSITIONAL > Local authority and statutory
undertaken land excluded from compulsory purchase > para. 6*

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 5 TRANSITIONAL para. 7



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Planning; Real property; Road traffic

Keywords

Acquisition of land; Compulsory purchase orders; Public path extinguishment orders; Transitional provisions

7.

The repeal by this Act of [section 3](#) of the [Acquisition of Land \(Authorisation Procedure\) Act 1946](#) shall not affect any order under that section if—

(a) it was made before 3rd August 1968, or

(b) a notice relating to the order was published pursuant to subsection (2) of the said Section 3 before that date,

and [Part VI](#) of this Act shall not apply to the order.

1

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

Acquisition of Land Act 1981

Acquisition of Land Act 1981 c. 67

Schedule 5 TRANSITIONAL > Extinguishment of certain public rights of way > para. 7

Contains public sector information licensed under the Open Government Licence v3.0.

SG4

Compulsory Purchase Act 1965 c. 56

s. 1 Application of Part I and interpretation.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 2 of 2

1 April 2005 - Present

Subjects

Planning

Keywords

Acquisition of land; Compulsory purchase; Dogs; Interpretation

1.— Application of Part I and interpretation.

[

(1) This Part of this Act shall apply in the relation to any compulsory purchase to which [Part II](#) of the [Acquisition of Land Act 1981](#), or [Schedule 1](#) to that Act, applies, and in this part of this Act—

(a) '*the Acquisition of Land Act*' means that Act,

(b) '*compulsory purchase order*' has the same meaning as in that Act.

] ¹

(2) In construing this Part of this Act the enactment under which the purchase is authorised and the compulsory purchase order[...] ² shall be deemed to be the special Act.

(3) In this Part of this Act, unless the context otherwise requires,—

“*acquiring authority*” means the person authorised by the compulsory purchase order[...] ² to purchase the land;

“*land*” includes anything falling within any definition of that expression in the enactment under which the purchase is authorised;

“*lease*” includes an agreement for a lease;

“*notice to treat*” has the meaning given by [section 5](#) of this Act;

“*subject to compulsory purchase*” , in relation to land, means land the compulsory purchase of which is authorised by the compulsory purchase order.

(4) In this Part of this Act “*the works*” or “*the undertaking*” means the works or undertaking, of whatever nature, authorised to be executed by the special Act:

Provided that where this Part of this Act applies by virtue of [[Part IX](#) of the [Town and Country Planning Act 1990](#) or [section 52](#) of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)] ³ references in this Part of this Act to the execution of the works shall be construed in accordance with [[section 245\(4\)](#) of the [Town and Country Planning Act 1990](#) or, as the case may be, [section 52\(2\)](#) of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)] ³.

[...] ⁴

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

(6) Where under this Act any notice is to be given to the owner of any land or where any act is authorised or required to be done with the consent of any such owner, the word “owner” shall, unless the context otherwise requires, mean any person having power to sell and convey the land to the acquiring authority.

Notes

- 1 S. 1(1) substituted by Acquisition of Land Act 1981 (c.67), Sch. 4 para. 14(2)
 - 2 Words repealed by Acquisition of Land Act 1981 (c.67), Sch. 6 Pt. I
 - 3 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 13(1)(a)
 - 4 Repealed by Courts Act 2003 c. 39 [Sch.10 para.1](#) (April 1, 2005 as SI 2005/547)
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Preliminary > s. 1 Application of Part I and interpretation.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 2 Persons without power to sell their interests.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Dogs; Power of sale

2. Persons without power to sell their interests.

[Schedule 1](#) to this Act (which gives owners power to sell to the acquiring authority) shall have effect for the purposes of this Act.

[1](#) [2](#) [3](#)

Notes

- [1](#) Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- [2](#) Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- [3](#) S.2 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT
OF 1946 > Preliminary > s. 2 Persons without power to sell their interests.*

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 3 Acquisition by agreement in pursuance of compulsory purchase order.



Law In Force

Version 2 of 2

25 September 1991 - Present

Subjects

Planning; Real property

Keywords

Acquisition of land; Agreements; Compulsory purchase orders; Dogs

3. Acquisition by agreement in pursuance of compulsory purchase order.

It shall be lawful for the acquiring authority to agree with the owners of any of the land subject to compulsory purchase, and with all parties having an estate or interest in any of the land, or who are by [Schedule 1](#) to this Act or any other enactment enabled to sell and convey or release any of that land, for the absolute purchase, for a consideration in money [or money's worth]¹, of any of that land, and of all estates and interests in the land.

Notes

¹ Words added by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.3](#) (September 25, 1991)

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 >
Preliminary > s. 3 Acquisition by agreement in pursuance of compulsory purchase order.*

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 4 Time limit for giving notice to treat



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 2 of 2

13 July 2016 - Present

Subjects

Planning

Keywords

Compulsory purchase; Compulsory purchase orders; Dogs; Local authorities' powers and duties; Time limits

[

4 Time limit for giving notice to treat

A notice to treat may not be served by the acquiring authority after the end of the period of 3 years beginning with the day on which the compulsory purchase order becomes operative.

] ¹

Notes

- ¹ Substituted by Housing and Planning Act 2016 c. 22 [Pt 7 s.182\(1\)](#) (July 13, 2016: substitution has effect subject to saving and transitional provisions specified in SI 2016/733 reg.7)

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT
OF 1946 > Compulsory purchase > s. 4 Time limit for giving notice to treat*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 4A Extension of time limit during challenge



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 1 of 1

13 July 2016 - Present

Subjects

Planning; Real property

[

4A Extension of time limit during challenge

(1) If an application is made under [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 4](#) is to be extended by—

- (a) a period equivalent to the period beginning with the day the application is made and ending on the day it is withdrawn or finally determined, or
- (b) if shorter, one year.

(2) An application is not finally determined for the purposes of subsection (1)(a) if an appeal in respect of the application—

- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
- (b) has been made and not withdrawn or finally determined.

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.202\(1\)](#) (July 13, 2016: insertion has effect subject to saving and transitional provisions specified in SI 2016/733 reg.9)

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Compulsory purchase > s. 4A Extension of time limit during challenge

Contains public sector information licensed under the Open Government Licence v3.0.

s. 5 Notice to treat, and untraced owners.



Law In Force

Version 4 of 4

6 April 2018 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Dogs; Local authorities' powers and duties; Owners; Purchase notices

5.— Notice to treat, and untraced owners.

(1) When the acquiring authority require to purchase any of the land subject to compulsory purchase, they shall give notice (hereafter in this Act referred to as a “*notice to treat*”) to all the persons interested in, or having power to sell and convey or release, the land, so far as known to the acquiring authority after making diligent inquiry.

(2) Every notice to treat—

- (a) shall give particulars of the land to which the notice relates,
- (b) shall demand particulars of the recipient's estate and interest in the land, and of the claim made by him in respect of the land, and
- (c) shall state that the acquiring authority are willing to treat for the purchase of the land, and as to the compensation to be made for the damage which may be sustained by reason of the execution of the works.

[

(2ZA) For provision about notice of claims for compensation, see [sections 4 and 4A](#) of the [Land Compensation Act 1961](#).

] ¹ [

(2A) A notice to treat shall cease to have effect at the end of the period of three years beginning with the date on which it is served unless—

- (a) the compensation has been agreed or awarded or has been paid or paid into court,
- (b) a general vesting declaration has been executed under [section 4](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#),
- (c) the acquiring authority have entered on and taken possession of the land specified in the notice, or
- (d) the question of compensation has been referred to the [Upper Tribunal] ³ .

(2B) If the person interested in the land, or having power to sell and convey or release it, and the acquiring authority agree to extend the period referred to in subsection (2A) of this section, the notice to treat shall cease to have effect at the end of the period as extended unless—

- (a) any of the events referred to in that subsection have then taken place, or
- (b) the parties have agreed to a further extension of the period (in which case this subsection shall apply again at the end of the period as further extended, and so on).

Part 1 of the Compulsory Purchase Act 1965

(2C) Where a notice to treat ceases to have effect by virtue of subsection (2A) or (2B) of this section, the acquiring authority—

(a) shall immediately give notice of that fact to the person on whom the notice was served and any other person who, since it was served, could have made an agreement under subsection (2B) of this section, and

(b) shall be liable to pay compensation to any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect.

(2D) The amount of any compensation payable under subsection (2C) shall, in default of agreement, be determined by the [Upper Tribunal]³.

(2E) Compensation payable to any person under subsection (2C) shall carry interest at the rate prescribed under [section 32](#) of the [Land Compensation Act 1961](#) from the date on which he was entitled to be given notice under that subsection until payment.

] ²

(3) [Schedule 2](#) to this Act (which relates to absent or untraced owners) shall have effect for the purposes of this Act.

Notes

¹ Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.192\(2\)](#) (April 6, 2018)

² Added by Planning and Compensation Act 1991 c. 34 [Pt III s.67](#) (September 25, 1991 subject to transitional provisions specified in SI 1991/2067 art.4)

³ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.60](#) (June 1, 2009)

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT
OF 1946 > Compulsory purchase > s. 5 Notice to treat, and untraced owners.*

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 6 Reference to Upper Tribunal.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Dogs; Particulars of claim; References; Upper Tribunal

6. Reference to [Upper Tribunal]¹.

If a person served with a notice to treat does not within twenty-one days from the service of the notice state the particulars of his claim or treat with the acquiring authority in respect of his claim, or if he and the acquiring authority do not agree as to the amount of compensation to be paid by the acquiring authority for the interest belonging to him, or which he has power to sell, or for any damage which may be sustained by him by reason of the execution of the works, the question of disputed compensation shall be referred to the [Upper Tribunal]¹.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.61](#) (June 1, 2009)
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Compulsory purchase > s. 6 Reference to Upper Tribunal.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 7 Measure of compensation in case of severance.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Dogs; Local authorities; Severability

7. Measure of compensation in case of severance.

In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the value of the land to be purchased by the acquiring authority, but also to the damage, if any, to be sustained by the owner of the land by reason of the severing of the land purchased from the other land of the owner, or otherwise injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.

1 2 3

Notes

- 1 Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 2 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- 3 S. 7 applied by Developing of Rural Wales Act 1976 (c.75), s. 5(1), Sch. 3 para. 35(3) and Post Office (Subway) Act 1966 (c. 25), s. 2(2); extended by Town and Country Planning Act 1990 (c.8), s. 237(4)(a), Housing Act 1988 (c.50), s. 78(2)(a), Sch. 10 Pt. II para. 5(4), and Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Compulsory purchase > s. 7 Measure of compensation in case of severance.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 8 Other provisions as to divided land.



Law In Force

Version 3 of 3

3 February 2017 - Present

Subjects

Planning

Keywords

Buildings; Compulsory purchase; Dogs; Gardens; Houses; Parks; Severability

8.— Other provisions as to divided land.

[

(1) [Schedule 2A](#) makes provision in respect of a proposal by an acquiring authority to acquire part only of a—

- (a) house, building or factory, or
- (b) park or garden belonging to a house.

] ¹

(2) If any land which is not situated in a town or built upon is cut through and divided by the works so as to leave, either on both sides of the works, or on one side, a quantity of land which is less than half an acre, the owner of the land may require the acquiring authority to purchase the land along with the land subject to compulsory purchase:

Provided that this subsection shall not apply if the owner has other land adjoining the land so left into which it can be thrown so as to be conveniently occupied with it, and in that case the acquiring authority shall, if so required by the owner, at their own expense throw the piece of land so left into the adjoining land by removing the fences and levelling the sites thereof, and by soiling it in a satisfactory and workmanlike manner.

(3) If the owner of any land cut through and divided by the works requires the acquiring authority under the provisions of the special Act to make any bridge, culvert or other communication between the land so divided, and—

- (a) the land is so cut through and divided as to leave, either on both sides or on one side, a quantity of land which is less than half an acre, or which is of less value than the expense of making the communication between the divided land, and
- (b) the owner has not other land adjoining that piece of land,

the acquiring authority may require the owner to sell them the piece of land. Any dispute as to the value of the piece of land, or as to the expense of making a communication between the divided land shall be determined by the [Upper Tribunal] ², and either party to proceedings for determining the compensation to be paid for the land acquired may require the [Upper Tribunal] ² to make [its determination] ³ under this subsection in those proceedings.

Notes

¹ Substituted by Housing and Planning Act 2016 c. 22 [Sch.17\(1\) para.2](#) (February 3, 2017 as specified in SI 2017/75 reg.3(g) subject to transitional provisions specified in SI 2017/75 reg.5)

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- 2 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.62\(b\)](#) (June 1, 2009)
- 3 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.62\(c\)](#) (June 1, 2009)
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT
OF 1946 > Compulsory purchase > s. 8 Other provisions as to divided land.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 9 Refusal to convey, failure to make title, etc.



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Conveyances; Deeds poll; Dogs; Local authorities' powers and duties; Payment into court; Refusal

9.— Refusal to convey, failure to make title, etc.

(1) If the owner of any of the land purchased by the acquiring authority, or of any interest in the land so purchased, on tender of the compensation agreed or awarded to be paid in respect of the land or interest refuses to accept it, or neglects or fails to make out a title to the land or interest to the satisfaction of the acquiring authority, or refuses to convey or release the land as directed by the acquiring authority, it shall be lawful for the acquiring authority to pay into court the compensation payable in respect of the land or interest.

(2) The compensation so paid into court shall, subject to the provisions of this Act, be placed to the credit of the parties interested in the land and the acquiring authority shall, so far as they can, give their descriptions.

(3) When the acquiring authority have paid into court the compensation, it shall be lawful for them to execute a deed poll containing a description of the land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.

(4) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the acquiring authority and as against those persons the acquiring authority shall be entitled to immediate possession of the land.

(5) On the application of any person claiming all or any part of the money paid into court, or claiming all or any part of the land in respect of which it was paid into court, or any interest in it, the High Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is distributed, it is dealt with under [section 6](#) of the [Administration of Justice Act 1965](#) payment likewise of the dividends thereof, and may make such other order as the Court thinks fit.

[...] [1](#) [2](#) [3](#) [4](#) [5](#) [6](#)

Notes

- [1](#) Repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), Sch. 1 Pt. IX
- [2](#) Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2),

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 3 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7–12
- 4 S. 9 modified by Land Compensation Act 1973 (c.26), s. 52(10)(a) and Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5; extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6–13, Water Act 1989 (c.15), ss. 151(5), 155(3)–(7), Sch. 18 para. 2(2)(3)–(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7–13
- 5 S.9(2) applied with modifications by Town and Country Planning Act 1990 (c.8), s. 146(10) and Land Compensation Act 1973 (c.26), s. 54(7)
- 6 S.9(5) applied with modifications by Town and Country Planning Act 1990 (c.8), s. 146(10) and Land Compensation Act 1973 (c.26), s. 54(7)
-

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Deposit of compensation and execution of deed poll > s. 9 Refusal to convey, failure to make title, etc.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 10 Further provision as to compensation for injurious affection.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Dogs; Injurious affection

10.— Further provision as to compensation for injurious affection.

(1) If any person claims compensation in respect of any land, or any interest in land, which has been taken for or injuriously affected by the execution of the works, and for which the acquiring authority have not made satisfaction under the provisions of this Act, or of the special Act, any dispute arising in relation to the compensation shall be referred to and determined by the [Upper Tribunal]¹.

(2) This section shall be construed as affording in all cases a right to compensation for injurious affection to land which is the same as the right which [section 68](#) of the [Lands Clauses Consolidation Act 1845](#) has been construed as affording in cases where the amount claimed exceeds fifty pounds.

(3) Where this Part of this Act applies by virtue of [[Part IX](#) of the [Town and Country Planning Act 1990](#)]² reference in this section to the acquiring authority shall be construed in accordance with [[section 245\(4\)\(b\)](#) of that Act]³.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.63](#) (June 1, 2009)
- ² Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s.4, Sch. 2 para. 13(2)(a)
- ³ Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 13(2)(b)

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Further provision as to compensation for injurious affection > s. 10 Further provision as to compensation for injurious affection.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 11 Powers of entry.



Law In Force

Version 5 of 5

3 February 2017 - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Dogs; Interest; Local authorities' powers and duties; Possession; Purchase notices

11.— Powers of entry.

(1) If the acquiring authority have served notice to treat in respect of any of the land and have served on the owner, lessee and occupier of that land [a notice of entry]¹, the acquiring authority may enter on and take possession of that land, or of such part of that land as is specified in the notice [, after the end of a period specified in the notice]²; and then any compensation agreed or awarded for the land of which possession is taken shall carry interest at the rate prescribed under [section 32 of the Land Compensation Act 1961](#) from the time of entry until the compensation is paid, or is paid into court in accordance with this Act. Where under this subsection a notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in [[section 12\(3\) of the Acquisition of Land Act](#)]³, a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated]⁴. In this subsection “owner” has the meaning given by [[section 7\(1\) of the Acquisition of Land Act](#)]⁵.

[

(1A) A notice of entry under subsection (1) must specify the period after the end of which the acquiring authority may enter on and take possession of the land to which the notice relates.

(1B) The period specified in a notice of entry under subsection (1) must not end earlier than the end of the period of 3 months beginning with the day on which the notice is served unless it is a notice to which [section 11A\(4\)](#) or [paragraph 13 of Schedule 2A](#) applies.

]⁶[

(1C) A notice of entry under subsection (1) must explain the effect of [section 11B](#) (counter-notice requiring possession to be taken on specified date) and give an address at which the acquiring authority may be served with a counter-notice.

]⁷[

(1D) An acquiring authority may extend the period specified in a notice of entry under subsection (1) by agreement with each person on whom it was served.

(1E) A reference in this Act to the period specified in a notice of entry under subsection (1) is to the period as extended by any agreement under subsection (1D).

]⁸[...]⁹

(3) For the purpose of [surveying, valuing or taking levels]¹⁰ of any of the land subject to compulsory purchase, of probing or boring to ascertain the nature of the soil and of setting out the line of the works, the acquiring authority, after giving not less than three nor more than fourteen days' notice to the owners or occupiers of that land, may enter on that land, but the

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

acquiring authority shall make compensation for any damage thereby occasioned to the owners or occupiers of the land, and any question of disputed compensation under this subsection shall be referred to the [Upper Tribunal]¹¹.

(4) Except as provided by the foregoing provisions of this section, the acquiring authority shall not, except with the consent of the owners and occupiers, enter on any of the land subject to compulsory purchase until the compensation payable for the respective interests in that land has been agreed or awarded, and has been paid to the persons having those interests or has been paid into court in accordance with this Act.

Notes

- 1 Words substituted by Housing and Planning Act 2016 c. 22 [Pt 7 s.186\(2\)\(a\)\(i\)](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
 - 2 Words inserted by Housing and Planning Act 2016 c. 22 [Pt 7 s.186\(2\)\(a\)\(ii\)](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
 - 3 Words substituted by Acquisition of Land Act 1981 (c.67), Sch. 4 para. 14(3)(a)
 - 4 Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.12\(1\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
 - 5 Words substituted by Acquisition of Land Act 1981 (c.67), Sch. 4 para. 14(3)(b)
 - 6 Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.186\(2\)\(b\)](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
 - 7 Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.187\(2\)](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
 - 8 Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.188](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
 - 9 Repealed by Housing and Planning Act 2016 c. 22 [Sch.16 para.3](#) (July 13, 2016)
 - 10 Words substituted by Housing and Planning Act 2016 c. 22 [Sch.14 para.6](#) (July 13, 2016)
 - 11 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.64](#) (June 1, 2009)
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF
LAND ACT OF 1946 > Entry on the land > s. 11 Powers of entry.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 11A Powers of entry: further notices of entry



Law In Force

Version 1 of 1

3 February 2017 - Present

Subjects

Planning; Real property

[

11A Powers of entry: further notices of entry

(1) This section applies where—

(a) an acquiring authority have given a notice of entry under [section 11\(1\)](#) but have not yet entered on and taken possession of the land, and

(b) the authority become aware of an owner, lessee or occupier (“the newly identified person”) to whom they ought to have given a notice to treat under [section 5\(1\)](#) but have not.

(2) Any notice of entry already served under [section 11\(1\)](#) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified person—

(a) a notice to treat under [section 5\(1\)](#), and

(b) a notice of entry under [section 11\(1\)](#).

(3) Subsection (4) applies for the purpose of determining the period to be specified in the notice of entry under [section 11\(1\)](#) served on the newly identified person if—

(a) the person is an occupier of the land and the authority were not aware of the person because they were given misleading information when carrying out inquiries under [section 5\(1\)](#), or

(b) the person is not an occupier of the land.

(4) The period specified in the notice must be a period that ends—

(a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and

(b) no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.186\(3\)](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT
OF 1946 > Entry on the land > s. 11A Powers of entry: further notices of entry*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 11B Counter-notice requiring possession to be taken on specified date



Law In Force

Version 1 of 1

3 February 2017 - Present

Subjects

Planning; Real property

[

11B Counter-notice requiring possession to be taken on specified date

- (1) Where an acquiring authority serve a notice of entry under [section 11\(1\)](#) on an occupier with an interest in land, the occupier may serve a counter-notice requiring the acquiring authority to take possession of the land by no later than a date specified in the counter-notice.
- (2) If the occupier gives up possession of the land on or before the specified date the acquiring authority are to be treated as having taken possession on that date (unless the acquiring authority has in fact taken possession before that date).
- (3) The date specified in the counter-notice—
- (a) must not be before the end of the period specified in the notice of entry under [section 11\(1\)](#), and
 - (b) must be at least 28 days after the day on which the counternotice is served.
- (4) A counter-notice under subsection (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.
- (5) A counter-notice under subsection (1) has no effect if it would require an acquiring authority to take possession of land at a time when [section 11A](#) or [paragraph 6 of Schedule 2A](#) prohibit the authority from entering on and taking possession of the land.
- (6) If subsection (5) applies, the authority must notify the occupier who served the counter-notice—
- (a) that the counter-notice has no effect, and
 - (b) if the authority serve a notice of entry as mentioned in [section 11A\(2\)\(b\)](#), of the date after which the authority could enter on and take possession of the land.
- (7) If a counter-notice served under subsection (1) has no effect because of subsection (5), the occupier who served it may serve a further counternotice.
- (8) Where a notice of entry under [section 11\(1\)](#) is served on more than one occupier with the same interest in the land, a reference in this section to the occupier with an interest in land is to all of them acting together.

] ¹

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- 1 Added by Housing and Planning Act 2016 c. 22 [Pt 7 s.187\(3\)](#) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 >
Entry on the land > s. 11B Counter-notice requiring possession to be taken on specified date*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 12 Unauthorised entry.



Law In Force

Version 2 of 2

13 July 2016 - Present

Subjects

Planning

Keywords

Compulsory purchase; Damages; Dogs; Local authorities' powers and duties; Penalties

12.— Unauthorised entry.

- (1) If the acquiring authority, or any of their contractors, wilfully enter on and take possession of any of the land subject to compulsory purchase in contravention of [subsection \(4\)](#) of the last foregoing section, the acquiring authority shall forfeit to the person in possession of that land the sum of ten pounds in addition to the amount of any damage done to the land by entering and taking possession.
- (2) The said sum of ten pounds, and the amount of any such damage, shall be recoverable summarily as a civil debt.
- (3) An appeal shall lie to a court of quarter sessions against an order of a magistrates' court adjudging a sum to be forfeited under the foregoing provisions of this section.
- (4) If, after a sum has been adjudged to be forfeited under this section, the acquiring authority, or their contractors, remain in unlawful possession of any of the land the acquiring authority shall be liable to forfeit the sum of twenty-five pounds for every day on which they so remain in possession.
- (5) A sum forfeited under the last foregoing subsection shall be recoverable by the person in possession of that land in the High Court, and in any such proceedings the decision of the magistrates' court shall not be conclusive as to the acquiring authority's right of entry.
- (6) This section shall not subject the acquiring authority to the payment of a penalty if they have in good faith and without collusion paid the compensation agreed or awarded in respect of the land to a person whom they reasonably believed to be entitled to the compensation, [...] ¹ although such person may not have been legally entitled thereto.

Notes

- ¹ Words repealed by Housing and Planning Act 2016 c. 22 [Sch.16 para.4](#) (July 13, 2016)

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF
LAND ACT OF 1946 > Entry on the land > s. 12 Unauthorised entry.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13 Refusal to give possession to acquiring authority.



Law In Force

Version 3 of 3

6 April 2014 - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Dogs; Local authorities' powers and duties; Possession; Refusal; Warrants

13.— Refusal to give possession to acquiring authority.

(1) If the acquiring authority are under this Act authorised to enter on and take possession of any land, and the owner or occupier of any of that land, or any other person, refuses to give up possession of it, or hinders the acquiring authority from entering or taking possession of it, the acquiring authority may issue their warrant to the sheriff [–]¹ [

(a) the sheriff, or

(b) the enforcement officer,

to deliver possession of it to the person appointed in the warrant to receive it.]²

(2) On receipt of the warrant [the person to whom it is issued]³ shall deliver possession of any such land accordingly.

[

(2A) If, by virtue of [paragraph 3A of Schedule 7](#) to the [Courts Act 2003](#), the warrant is issued to two or more persons collectively, the duty in subsection (2) of this section shall apply to the person to whom the warrant is allocated in accordance with the approved arrangements mentioned in that Schedule.

] ⁴

(3) The costs accruing by reason of the issue and execution of the warrant, to be settled by [the person executing the warrant]⁵, shall be paid by the person refusing to give possession, and the amount of those costs shall be deducted and retained by the acquiring authority from the compensation, if any, payable by them to that person.

(4) If no compensation is payable to the person refusing to give possession, or if it is less than the amount of the costs, that amount or the amount by which the costs exceed the compensation, if not paid on demand, shall be [recovered by using the procedure in [Schedule 12](#) to the [Tribunals, Courts and Enforcement Act 2007](#) (taking control of goods)]⁶, and on application to any justice of the peace for that purpose he shall issue his warrant accordingly.

[...] ⁷

(6) In this section [–]⁸ [

“the enforcement officer”, in relation to a warrant to deliver possession of land under this section, means the officer or officers identified for that purpose in [paragraph 3A of Schedule 7](#) to the [Courts Act 2003](#), and

Part 1 of the Compulsory Purchase Act 1965

“*sheriff*” includes an under sheriff or other legally competent deputy, and means the sheriff for the area where the land is situated, or if land in one ownership is not situated wholly in one such area the sheriff for the area where any part of the land is situated.

] ⁸

Notes

- 1 Words and paras.(a)-(b) substituted for words by Tribunals, Courts and Enforcement Act 2007 c. 15 [Pt 7 s.139\(5\)](#) (April 1, 2008)
- 2 Words and paras.(a)-(b) substituted for words by Tribunals, Courts and Enforcement Act 2007 c. 15 [Pt 7 s.139\(5\)](#) (April 1, 2008)
- 3 Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Pt 7 s.139\(6\)](#) (April 1, 2008)
- 4 Added by Tribunals, Courts and Enforcement Act 2007 c. 15 [Pt 7 s.139\(7\)](#) (April 1, 2008)
- 5 Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Pt 7 s.139\(8\)](#) (April 1, 2008)
- 6 Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Sch.13 para.28\(2\)](#) (April 6, 2014)
- 7 Repealed by Tribunals, Courts and Enforcement Act 2007 c. 15 [Sch.23\(3\) para.1](#) (April 6, 2014 as SI 2014/768)
- 8 Definition inserted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Pt 7 s.139\(9\)](#) (April 1, 2008)

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Entry on the land > s. 13 Refusal to give possession to acquiring authority.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14 Mortgages.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Dogs; Local authorities' powers and duties; Mortgages

14.— Mortgages.

(1) The acquiring authority may purchase or redeem the interest of the mortgagee of any of the land subject to compulsory purchase in accordance with either of the two following subsections.

(2) The acquiring authority may pay or tender to the mortgagee the principal and interest due on the mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon the mortgagee shall immediately convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.

(3) Alternatively, the acquiring authority may give notice in writing to the mortgagee that they will pay all the principal and interest due on the mortgage at the end of six months, computed from the day of giving the notice; and if they have given any such notice, or if the person entitled to the equity of redemption has given six months notice of his intention to redeem, then at the expiration of either of the notices, or at any intermediate period, on payment or tender by the acquiring authority to the mortgagee of the principal money due on the mortgage, and the interest which would become due at the end of six months from the time of giving either of the notices, together with his costs and expenses, if any, the mortgagee shall convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.

(4) If, in a case under [subsection \(2\)](#) or [subsection \(3\)](#) of this section, on such payment or tender the mortgagee fails to convey or release his interest in the mortgage as directed by the acquiring authority, or fails to make out a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the sums payable under [subsection \(2\)](#) or [subsection \(3\)](#) of this section, as the case may be.

(5) When the acquiring authority have paid those sums into court, it shall be lawful for them to execute a deed poll in the manner provided by [section 9\(3\)](#) of this Act.

(6) On execution of the deed poll, as well as in the case of a conveyance by the mortgagee, all the estate and interest of the mortgagee (and of all persons in trust for him, or for whom he may be a trustee) in the land shall vest in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.

(7) This section shall apply—

- (a) whether or not the acquiring authority have previously purchased the equity of redemption,
- (b) whether or not the mortgagee is a trustee,
- (c) whether or not the mortgagee is in possession of the land, and
- (d) whether or not the mortgage includes other land in addition to the land subject to compulsory purchase.

[1](#) [2](#) [3](#)

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- 1 Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 2 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- 3 S.14 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Acquisition of special interests > s. 14 Mortgages.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 15 Mortgage debt exceeding value of mortgaged land.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning; Real property

Keywords

Compensation; Compulsory purchase; Debts; Dogs; Mortgages; Upper Tribunal

15.— Mortgage debt exceeding value of mortgaged land.

(1) If the value of any such mortgaged land is less than the principal, interest and costs secured on the land, the value of the land, or the compensation to be paid by the acquiring authority in respect of the land, shall be settled by agreement between the mortgagee and the person entitled to the equity of redemption on the one part, and the acquiring authority on the other part, or, if they fail to agree, shall be determined by the [Upper Tribunal]¹.

(2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the mortgaged land to the acquiring authority or as they direct, and if he fails to do so, or fails to adduce a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount agreed or awarded.

(4) When the acquiring authority have so paid into court the amount agreed or awarded, it shall be lawful for them to execute a deed poll in the manner provided by [section 9\(3\)](#) of this Act.

(5) On execution of the deed poll the land, as to the estate and interest which were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.

(6) The making of payment to the mortgagee or into court of the amount agreed or awarded shall be accepted by the mortgagee in satisfaction, or part satisfaction, of his mortgage debt, and shall be a full discharge of the mortgaged land from all money due thereon.

(7) All rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation, other than the right to the land, shall remain in force in respect of so much of the mortgage debt as has not been satisfied by payment to the mortgagee or into court.

Notes

¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.65](#) (June 1, 2009)

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 >
Acquisition of special interests > s. 15 Mortgage debt exceeding value of mortgaged land.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 16 Acquisition of part of land subject to mortgage.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning

Keywords

Compulsory purchase; Dogs; Mortgages; Severability

16.— Acquisition of part of land subject to mortgage.

(1) If a part only of any mortgaged land is required by the acquiring authority, and—

(a) the part so required is of less value than the principal, interest and costs secured on such land, and

(b) the mortgagee does not consider the remaining part of the land a sufficient security for the money charged thereon, or is not willing to release the part so required,

then the value of that part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of that land on the one part and the acquiring authority on the other and, if the parties fail to agree, shall be determined by the [Upper Tribunal]¹.

(2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the land to be taken to the acquiring authority or as they direct.

(4) A memorandum of what has been so paid shall be endorsed on the deed creating the mortgagee and shall be signed by the mortgagee; and a copy of the memorandum shall at the same time (if required) be furnished by the acquiring authority at their expense to the person entitled to the equity of redemption of the land comprised in the mortgage.

(5) If, on payment or tender to any such mortgagee of the amount of compensation agreed or awarded, the mortgagee fails to convey or release to the acquiring authority, or as they direct, his interest in the land in respect of which the compensation has been so paid or tendered, or if he fails to adduce a good title thereto to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority, to pay into court the amount of the compensation; and [subsections \(4\) to \(6\)](#) of the last foregoing section shall apply as if references in those subsections to the land were references to the part of the land comprised in the mortgage which is required by the acquiring authority.

(6) Notwithstanding the foregoing provisions of this section the mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue of it (as the case may be), and the interest thereon, as against the remaining land comprised in the mortgage, as he would have had for recovering or compelling payment thereof as against the whole of the land originally comprised in the mortgage.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.66](#) (June 1, 2009)
-

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946
> *Acquisition of special interests* > *s. 16 Acquisition of part of land subject to mortgage.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 17 Compensation where mortgage paid off before stipulated time.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning; Real property

Keywords

Compensation; Compulsory purchase; Dogs; Mortgages; Payments

17.— Compensation where mortgage paid off before stipulated time.

(1) If in the mortgage deed a time was limited for the payment of the principal secured and under the three last foregoing sections the mortgagee has been required to accept payment of the principal at a time earlier than the time so limited, the amounts payable under those sections shall include—

(a) all such costs and expenses as may be incurred by the mortgagee in respect of, or as incidental to, the reinvestment of the sum paid off, and

(b) if the rate of interest secured by the mortgage is higher than can reasonably be expected to be obtained on reinvestment at the time the mortgage is paid off, regard being had to the current rate of interest, compensation in respect of the loss thereby sustained.

(2) The costs under [paragraph \(a\)](#) of the foregoing subsection shall, in case of difference, be taxed and their payment enforced in the manner provided in [section 23](#) of this Act for costs of conveyances, and the amount of compensation under [paragraph \(b\)](#) of the foregoing subsection shall, in case of difference, be referred to and determined by the [Upper Tribunal]¹.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.67](#) (June 1, 2009)

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Acquisition of special interests > s. 17 Compensation where mortgage paid off before stipulated time.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 18 Rentcharges.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning; Real property

Keywords

Compulsory purchase; Dogs; Rentcharges

18.— Rentcharges.

(1) If any difference arises between the acquiring authority and a person entitled to a rentcharge on any of the land subject to compulsory purchase as to the compensation to be paid for the release of the land from the rentcharge, or from the part of the rentcharge affecting the land, it shall be referred to and determined by the [Upper Tribunal]¹.

(2) If part only of the land charged with a rentcharge is comprised in the land required by the acquiring authority the apportionment of the rentcharge—

(a) may be settled by agreement between the person entitled to the rentcharge and the owner of the land on the one part and the acquiring authority on the other part, and

(b) if not so settled, shall be referred to and determined by the [Upper Tribunal]¹,

but if the remaining part of the land so charged is a sufficient security for the rentcharge the person entitled to the rentcharge may, with the consent of the owner of that part of the land, release from the rentcharge the land required by the acquiring authority on condition or in consideration of that part of the land remaining exclusively subject to the whole of the rentcharge.

(3) If the person entitled to a rentcharge on any of the land subject to compulsory purchase, on payment or tender to him of the compensation agreed or awarded, fails to execute in favour of the acquiring authority a release of the rentcharge, or if he fails to make out a good title to the rentcharge to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount of the compensation. When the acquiring authority have paid the compensation into court, it shall be lawful for them to execute a deed poll in the manner provided by [section 9\(3\)](#) of this Act, and on execution of the deed poll the rentcharge, or the part of the rentcharge in respect of which the compensation was paid, shall be extinguished.

(4) If any of the land subject to compulsory purchase is so released from a rentcharge, or part of a rentcharge, to which it was subject jointly with other land, the last-mentioned land shall alone be charged with the whole of the rentcharge, or, as the case may be, with the remainder of the rentcharge, and the person entitled to the rentcharge shall have all the same rights and remedies over the last-mentioned land, for the whole, or as the case may be for the remainder, of the rentcharge as he had previously over the whole of the land subject to the rentcharge.

(5) If upon any rentcharge or part of a rentcharge being so released the deed or instrument creating or transferring the charge is tendered to the acquiring authority for the purpose, the acquiring authority shall affix their common or official seal to a memorandum of the release endorsed on the deed or instrument declaring—

(a) what part of the land originally subject to the rentcharge has been purchased by virtue of this Act, and

(b) if the land is released from part of the rentcharge, what part of the rentcharge has been released and how much of it continues payable, and

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

(c) if the land has been released from the whole of the rentcharge, then that the remaining land is thenceforward to remain exclusively charged with the rentcharge.

and the memorandum shall be made and executed at the expense of the acquiring authority and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

(6) In this section “*rentcharge*” , in relation to any land, includes any other payment or incumbrance charged on the land not provided for in the foregoing provisions of this Act.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.68](#) (June 1, 2009)
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Acquisition of special interests > s. 18 Rentcharges.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 19 Apportionment of rent under leases.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Planning; Real property

Keywords

Apportionment; Compulsory purchase; Dogs; Rent

19.— Apportionment of rent under leases.

(1) If part only of the land comprised in a lease for a term of years unexpired is required by the acquiring authority, the rent payable in respect of the land comprised in the lease shall be apportioned between the land so required and the residue of the land.

(2) The apportionment may be settled by agreement between the lessor and lessee of the land on the one part, and the acquiring authority on the other part, and if the apportionment is not so settled by agreement between the parties, it shall be settled by the [Upper Tribunal] ¹.

(3) After the apportionment the lessee shall, as to all future accruing rent, be liable only for so much of the rent as is apportioned in respect of the land not required by the acquiring authority.

(4) As respects the land not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of the apportioned rent as, before the apportionment, he had for the recovery of the whole rent reserved by the lease; and all the covenants, conditions and terms of the lease, except as to the amount of rent to be paid, shall remain in force with regard to the part of the land not so required in the same manner as they would have done if that part only of the land had been included in the lease.

(5) Every such lessee shall be entitled to receive from the acquiring authority compensation for the damage done to him in his tenancy by reason of the severance of the land required by the acquiring authority from that not required, or otherwise by reason of the execution of the works.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.69](#) (June 1, 2009)

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Acquisition of special interests > s. 19 Apportionment of rent under leases.

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 20 Tenants at will, etc.



Law In Force

Version 3 of 3

1 June 2009 - Present

Subjects

Landlord and tenant; Planning

Keywords

Compensation; Compulsory purchase; Dogs; Tenancies at will; Tenancies from year to year; Tenants' rights

20.— Tenants at will, etc.

- (1) If any of the land subject to compulsory purchase is in the possession of a person having no greater interest in the land than as tenant for a year or from year to year, and if that person is required to give up possession of any land so occupied by him before the expiration of his term or interest in the land, he shall be entitled to compensation for the value of his unexpired term or interest in the land, and for any just allowance which ought to be made to him by an incoming tenant, and for any loss or injury he may sustain.
- (2) If a part only of such land is required, he shall also be entitled to compensation for the damage done to him [by severing] ¹ land held by him or otherwise injuriously affecting it.
- (3) If the parties differ as to the amount of compensation payable under the foregoing provisions of this section the dispute shall be referred to and determined by the [Upper Tribunal] ².
- (4) On payment or tender of the amount of such compensation all such persons shall respectively deliver up to the acquiring authority, or to the person appointed by them to take possession, any such land in their possession required by the acquiring authority.
- (5) If any person having a greater interest than as tenant at will claims compensation in respect of any unexpired term or interest under any lease or grant of the land subject to compulsory purchase, the acquiring authority may require that person to produce the lease or grant, or the best evidence thereof in his power; and if, after demand in writing by the acquiring authority, the lease or grant, or that best evidence, is not produced within twenty-one days, that person shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.
- (6) This section has effect subject to [section 39](#) of the [Landlord and Tenant Act 1954](#).

Notes

¹ Words substituted by Planning and Compensation Act 1991 c. 34 [Sch.15\(I\) para.4](#) (September 25, 1991)

² Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.70](#) (June 1, 2009)

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Acquisition of special interests > s. 20 Tenants at will, etc.*

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 21 Common land.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning

Keywords

Commons; Compulsory purchase; Dogs

21.— Common land.

- (1) [Schedule 4](#) to this Act (which relates to common land) shall apply for the purposes of this Act.
- (2) The said Schedule and the other provisions of this Act relating to common land have effect—
 - (a) subject to the provisions of the [Inclosure Act 1852](#), the [Inclosure Act 1854](#) and the [Commonable Rights Compensation Act 1882](#) relating to the application of compensation money, and
 - (b) subject to [section 22](#) of the [Commons Act 1899](#) (which restricts grants or inclosures of commons).

1 2 3

Notes

- 1 Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6–13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20–23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 2 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7–12
- 3 S.21 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6–13, Water Act 1989 (c.15), ss. 151(5), 155(3)–(7), Sch. 18 para. 2(2)(3)–(8), Sch.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7–13

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Acquisition of special interests > s. 21 Common land.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 22 Interests omitted from purchase.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning

Keywords

Compensation; Compulsory purchase; Dogs; Interest; Local authorities; Mesne profits

22.— Interests omitted from purchase.

(1) If after the acquiring authority have entered on any of the land subject to compulsory purchase it appears that they have through mistake or inadvertence failed or omitted duly to purchase or to pay compensation for any estate, right or interest in or charge affecting that land the acquiring authority shall remain in undisturbed possession of the land provided that within the time limited by this section—

- (a) they purchase or pay compensation for the estate, right or interest in or charge affecting the land, and
- (b) they also pay to any person who may establish a right to it, full compensation for the mesne profits,

and the compensation shall be agreed or awarded and paid (whether to claimants or into court) in the manner in which, under this Act, it would have been agreed or awarded and paid if the acquiring authority had purchased the estate, right, interest or charge before entering on the land, or as near to that manner as circumstances admit.

(2) The foregoing subsection shall apply whether or not the period specified in [section 4](#) of this Act has expired.

(3) The time limited by this section shall be six months after the acquiring authority have notice of the estate, right, interest or charge or, if it is disputed by the acquiring authority, six months after the right to the estate, right, interest or charge is finally established by law in favour of the claimant.

(4) In assessing compensation under this section the value of the land, and of any estate or interest in the land, or any mesne profits of the land, shall be taken to be the value at the time when the acquiring authority entered on the land, and without regard to any improvements or works made in or upon the land by the acquiring authority, and as though the works had not been constructed.

(5) In this section the “*mesne profits*” means the mesne profits or interest which would have accrued to the persons concerned during the interval between the entry of the acquiring authority and the time when the compensation is paid, so far as such mesne profits or interest may be recoverable in any proceedings.

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#)

Notes

- ¹ Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 2 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- 3 S. 22 excluded by Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 10(3); extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13
- 4 S. 22(1) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
- 5 S. 22(2) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
- 6 S. 22(3) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
- 7 S. 22(5) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
-

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Supplemental > s. 22 Interests omitted from purchase.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 23 Costs of conveyances etc.



Law In Force

Version 2 of 2

1 October 2009 - Present

Subjects

Planning

Keywords

Compulsory purchase; Conveyances; Dogs; Expenses; Local authorities; Payments

23.— Costs of conveyances etc.

- (1) The costs of all conveyances of the land subject to compulsory purchase shall be borne by the acquiring authority.
- (2) The costs shall include all charges and expenses, whether incurred on the part of the seller or on the part of the purchaser,—
 - (a) of all conveyances and assurances of any of the land, and of any outstanding terms or interests in the land, and
 - (b) of deducing, evidencing and verifying the title to the land, terms or interests, and
 - (c) of making out and furnishing such abstracts and attested copies as the acquiring authority may require,and all other reasonable expenses incident to the investigation, deduction and verification of the title.
- (3) If the acquiring authority and the person entitled to any such costs do not agree as to the amount of the costs, the costs shall be taxed by a Master of the [Senior Courts]¹ on an order of the court obtained by either of the parties.
- (4) The acquiring authority shall pay what the Master certifies to be due in respect of the costs to the person entitled and, in default, that amount may be recovered in the same way as any other costs payable under an order of the [Senior Courts]¹.
- (5) The expense of taxing the costs shall be borne by the acquiring authority unless on the taxation one-sixth of the amount of the costs is disallowed, and in that case the costs of the taxation shall be borne by the party whose costs have been taxed; and the amount thereof shall be ascertained by the Master and deducted by him accordingly in his certificate of taxation.
- (6) Conveyances of the land subject to compulsory purchase may be according to the forms in [Schedule 5](#) to this Act, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the acquiring authority may think fit. All conveyances made according to the forms in the said Schedule, or as near thereto as the circumstances of the case may admit, shall be effectual to vest the land thereby conveyed in the acquiring authority and shall operate to bar and to destroy all estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever of and in the land comprised in the conveyance which have been purchased or compensated for by the consideration mentioned in the conveyance.

Notes

¹ Words substituted by Constitutional Reform Act 2005 c. 4 [Sch.11\(2\) para.4\(1\)](#) (October 1, 2009)

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF
LAND ACT OF 1946 > Supplemental > s. 23 Costs of conveyances etc.*

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 25 Payment into court.



Law In Force

Version 2 of 2

1 October 2009 - Present

Subjects

Planning

Keywords

Compulsory purchase; Dogs; Payment into court

25.— Payment into court.

(1) References in this Act to payment of money into court are references to payment of the money into the [Senior Courts]¹ and [section 4](#) of the [Administration of Justice Act 1965](#) (which prescribes the method of payment into court) shall apply accordingly.

(2) Where any money paid into court under this Act was paid in respect of any lease, or any estate in land less than the whole fee simple, or of any reversion dependent on any such lease or estate, the High Court on the application of any person interested in the money may order that the money shall be laid out, invested, accumulated and paid in such manner as the court may consider will give to the persons interested in the money the same benefit as they might lawfully have had from the lease, estate or reversion or as near thereto as may be.

(3) If any question arises respecting the title to land in respect of which money has been paid into court under this Act, the persons respectively in possession of the land, as being the owners, or in receipt of the rents of the land, as being entitled to the rents at the time when the land was purchased, shall be deemed to have been lawfully entitled to the land until the contrary is shown to the satisfaction of the court; and unless the contrary is shown to the satisfaction of the court the persons so in possession, and all persons claiming under them, or consistently with their possession, shall be deemed to be entitled to the money, so paid into court, and to the interest and dividends of it or of the securities purchased therewith; and the money, dividends interest and annual proceeds shall be paid and applied accordingly.

[...]²

Notes

- ¹ Words substituted by Constitutional Reform Act 2005 c. 4 [Sch.11\(2\) para.4\(1\)](#) (October 1, 2009)
² Repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), Sch. 1 Pt. IX

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF
LAND ACT OF 1946 > Supplemental > s. 25 Payment into court.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 26 Costs in respect of money paid into court.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning

Keywords

Compulsory purchase; Costs; Dogs; High Court; Payment into court

26.— Costs in respect of money paid into court.

(1) This section shall apply in relation to any compensation paid into court under this Act except where it was so paid in consequence—

- (a) of the wilful refusal of the person entitled to accept it, or
- (b) of the wilful refusal of that person to convey the land in respect of which the compensation was payable, or
- (c) of the wilful neglect of any person to make out a good title to the land.

(2) Where this section applies the High Court may order the acquiring authority to pay—

- (a) the costs of, or incurred in consequence of, the purchase of the land, and
- (b) the cost of the investment of the compensation paid into court, or of its reinvestment in the purchase of other land.

(3) References in this section to costs include references to all reasonable charges and expenses incidental to the matters mentioned in this section and to—

- (a) the cost of obtaining the proper orders for any of the purposes set out above,
- (b) the cost of obtaining the orders for the payment of dividends out of the compensation,
- (c) the cost of obtaining the orders for the payment out of court of the principal amount of the compensation, or of any securities in which it is invested, and
- (d) the cost of all proceedings relating to such orders, except such as are occasioned by litigation between adverse claimants.

(4) The costs of not more than one application for reinvestment in land shall be allowed unless it appears to the High Court that it is for the benefit of the parties interested in the compensation that it should be invested in the purchase of land in different sums and at different times.

[1](#) [2](#) [3](#)

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

- 1 Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 2 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- 3 S. 26 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5; extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT
OF 1946 > Supplemental > s. 26 Costs in respect of money paid into court.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 28 General provisions as to deeds poll.



Law In Force

Version 1 of 1

1 January 1966 - Present

Subjects

Planning

Keywords

Compulsory purchase; Deeds poll; Dogs; Local authorities

28.— General provisions as to deeds poll.

- (1) Any deed poll executed by the acquiring authority in accordance with this Act shall be under their common seal or official seal.
- (2) Any such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the acquiring authority of the land described therein, or otherwise duly stamped.
- (3) The provisions of this Act as to the execution of deeds poll have effect subject to [section 7\(4\)](#) of the [Law of Property Act 1925](#) (under which any such power of disposing of a legal estate exercisable by a person who is not the estate owner is, when practicable, to be exercised in the name and on behalf of the estate owner).

1 2 3

Notes

- 1 Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- 2 Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- 3 S.28 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7–13

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND
ACT OF 1946 > Supplemental > s. 28 General provisions as to deeds poll.*

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 30



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Planning

Keywords

Acquisition of land; Compulsory purchase; Consequential amendments; Dogs; Notices

[

30.

Section 6 of the [Acquisition of Land Act](#) shall apply to the service of notices under this Act.

] ^{1 2 3}

Notes

- ¹ S. 30 substituted by Acquisition of Land Act 1981 (c.67), s. 34(1), Sch. 4 para. 14(4)
- ² Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- ³ Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946 > Supplemental > s. 30

Contains public sector information licensed under the Open Government Licence v3.0.

s. 31 Ecclesiastical property.



Law In Force

Version 3 of 3

1 October 2006 - Present

Subjects

Ecclesiastical law; Planning

Keywords

Compensation; Compulsory purchase; Dogs; Ecclesiastical property

31. Ecclesiastical property.

Any sums agreed or awarded for the purchase of land being ecclesiastical property as defined in [section 12(3) of the [Acquisition of Land Act](#)] ¹, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the other provisions of this Act, but [shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and] ² [shall be applied] ³ for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

[...] ⁴

Notes

- 1 Words substituted by Acquisition of Land Act 1981 (c.67), s. 34(1), Sch. 4 para. 14(5)
- 2 Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.12\(2\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
- 3 Words substituted by Planning and Compensation Act 1991 c. 34 [Sch.15\(II\) para.19\(b\)](#) (September 25, 1991)
- 4 Words repealed by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.12\(2\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF
LAND ACT OF 1946 > Supplemental > s. 31 Ecclesiastical property.*

Contains public sector information licensed under the Open Government Licence v3.0.

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

s. 32 Commencement of Part I.



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Planning

Keywords

Acquisition of land; Commencement; Compulsory purchase; Disapplication; Dogs

32. Commencement of Part I.

This Part of this Act shall not apply in relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the [\[Acquisition of Land \(Authorisation Procedure\) Act 1946\]](#)¹, or made under Part II of that Schedule, before the commencement of this Act.

2 3 4

Notes

- ¹ Words substituted by Acquisition of Land Act 1981 (c.67), s. 34(1), Sch. 4 para. 14(6)
- ² Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- ³ Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77(7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
- ⁴ S.32 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163,

Part 1 of the Compulsory Purchase Act 1965

Compulsory Purchase Act 1965 c. 56

Notes

189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7–13

*Part I COMPULSORY PURCHASE UNDER ACQUISITION OF
LAND ACT OF 1946 > Supplemental > s. 32 Commencement of Part I.*

Contains public sector information licensed under the Open Government Licence v3.0.

SG5

Statement of Case dated 20 January 2023

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

THE NETWORK RAIL (CAMBRIDGE RE-SIGNALING) ORDER

STATEMENT OF CASE

20 January 2023

Contents

Clause	
1	INTRODUCTION 1
2	THE APPLICANT 4
3	THE APPLICATION DOCUMENTS 4
4	CONTEXT OF THE APPLICATION 5
5	PLANNING AND POLICY CONTEXT 7
6	ACQUISITION AND USE OF LAND 17
7	JUSTIFICATION FOR SAFETY UPGRADES AT LEVEL CROSSINGS..... 27
8	CONSULTATION ON THE PROJECT 33
9	FUNDING 34
10	PROJECT DELIVERY 34
11	OBJECTIONS AND REPRESENTATIONS 34

Statement of Case dated 20 January 2023

LIST OF TABLES

Table 1: Summary of consenting regimes for the Project

Table 2: Planning applications and prior approvals required for the works

Table 3: Relevant Local Plan for each Level Crossing Works Area

Table 4: Plots for permanent acquisition of land at structures

Table 5: Plots for permanent acquisition of rights over land at structures

Table 6: Plots for temporary use of land for construction purposes at structures

Table 7: Plots for temporary use of land for access and oversailing purposes

Table 8: Summary of private treaty negotiations

Table 9: Existing Level Crossings Type. ALCRM and Proposed Upgrade

Table 10:

Table 11: Traffic Modelling Scenarios for Meldreth

Table 12: Summary of objections

Table 13: Summary of representations

GLOSSARY OF TERMS

Term/Acronym	Meaning
1992 Act	The Transport and Works Act 1992
2006 Rules	The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
Application	The application for the Order
AHB	Automatic Half Barrier
ALCRM	All Level Crossing Risk Model
CCC	Cambridgeshire County Council
CPCA	Cambridgeshire and Peterborough Combined Authority
DNO	Distribution Network Operator
EIA	Environmental Impact Assessment
Estate	J Cole (Kilverstone Estate) – Gary Jon Bowman: The Right Honourable Patrick Vavasseur Fourth Baron Fisher of Kilverstone and Mills & Reeve Trust Corporation Limited
FOC	Freight Operating Company
FWI	Fatality and Weighted Injury score

Statement of Case dated 20 January 2023

GCSPS	Greater Cambridge Shared Planning Service
GPDO	Town and Country Planning (General Permitted Development) (England) Order 2015
HSWA	Health and Safety at Works etc. Act 1974
Inquiries Rules	The Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018)
LCM	Level Crossing Manager
LoD	Limits of deviation
MCB	Manually-Controlled Barrier
MCB-CCTV	Manually Controlled Barrier monitored by CCTV
MCB-OD	Manually Controlled Barrier monitored by obstacle detection
MGH	Manned Gate Barrier
NCC	Norfolk County Council
Network	Rail infrastructure network of Great Britain
NPPF	National Planning Policy Framework (NPPF) 2021
NPS	National Policy Statement for National Networks
NR	Network Rail Infrastructure Limited
NRA	Narrative Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OD	Obstacle Detection
Order	The Network Rail (Cambridge Re-Signalling) Order 202[x]
ORR	Office of Rail and Road
Project	The proposed re-signalling of the Cambridge 'interlock' area and the upgrade of the relevant level crossings
REB	Relocatable Equipment Building
ROGS	Railways and Other Guided Transport Systems (Safety) Regulations 2006
RPT	Risk Per Traverse
SICA	Signalling Infrastructure Condition Assessment

Statement of Case dated 20 January 2023

SMS	Safety Management System
TOC	Train Operating Company

Statement of Case dated 20 January 2023

1 INTRODUCTION

- 1.1 On 5 August 2022 Network Rail Infrastructure Limited (**NR**) submitted an application (**Application**) to the Secretary of State for Transport to make the Network Rail (Cambridge Re-Signalling) Order (**Order**). The Application was made under sections 1 and 5 of the Transport and Works Act 1992 (**1992 Act**) [**APP18**].
- 1.1 NR proposes the re-signalling of the Cambridge station interlocking area and the upgrade of a number of level crossings (**Project**). The overall objective of the Project is to renew the life expired signalling assets in the Cambridge 'interlocking' area and the replacement of the mechanical signalling system, constructed during the 1980s, with a modern digital signalling system managed from a centralised location, namely the Power Signal Box at Cambridge Station. If the Project were not to be implemented, there would be a risk of poor asset reliability and reduced capacity on the relevant sections of railway in the event that routes or assets are out of use because of signalling failures.
- 1.2 All works to be carried out in relation to the Project will either be the subject of separate applications for planning permission and/or prior approval to the relevant local planning authority or will be carried out as permitted development under Class A of Part 8 and Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (**GPDO**) [**APP22**].
- 1.3 As a result, no part of the works is proposed to be authorised by the Order and the Application does not include a request for deemed planning permission under section 90(2A) of the Town and Country Planning Act 1990 (**1990 Act**). Rather, the Order, if made, would authorise various incidental matters in order to enable the Project to proceed. In particular, the Order would authorise the compulsory acquisition and temporary use of land and the stopping up of streets required in connection with the Project.
- 1.4 The Application was submitted in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466) (**2006 Rules**) [**APP23**] and has been the subject of publicity and notices in accordance with the 2006 Rules.
- 1.5 The Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018) (**Inquiries Rules**) [**APP25**] require NR to provide a Statement of Case and this document is NR's Statement of Case for the purpose of the Application. It contains full particulars of the case NR intends to make at Inquiry in support of the Application. The statement is to be served under Rule 7 of the Inquiry Rules.

Structure of the Statement of Case

- 1.6 The Statement of Case is arranged as follows:
- a) Section 1 describes the Project;
 - b) Section 2 describes the Applicant;
 - c) Section 3 describes the Application documents;
 - d) Section 4 describes the context of the Application;
 - e) Section 5 provides an overview of the consent routes to obtain planning permissions to authorise the works and the relevant national, regional and local policies relating to the Project;

Statement of Case dated 20 January 2023

- f) Section 6 describes the strategy for acquisition of land and rights required to deliver the Project;
 - g) Section 7 describes the proposed level crossings upgrades;
 - h) Section 8 describes consultations undertaken in relation to the Project;
 - i) Section 9 summarises the funding for the Project;
 - j) Section 10 describes how the Project will be delivered, the key milestones and parties involved; and
 - k) Section 11 summarises the objections and representations.
- 1.7 Appendix A contains a list of the documents which NR intends to refer to or submit in evidence at the Inquiry. Appendix B is the notice required by Rule 7(2)(b) of the Inquiries Rules containing details of the locations and times at which the documents will be available for public inspection prior to the opening of the inquiry.
- 1.8 In this Statement of Case, reference numbers for the documents that have been included in the list in Appendix A are given in square brackets and in bold.

Project overview

- 1.9 The Cambridge interlocking infrastructure was commissioned in 1982 and is approaching the end of its reliable life. In railway signalling terminology, an 'interlocking' is an arrangement of signal apparatus that prevents conflicting rail movements through an arrangement of tracks such as junctions or crossings. An interlocking is designed so that it is impossible to display a signal to proceed unless the route to be used is proven to be safe.
- 1.10 The Cambridge interlocking has a number of obsolete components as well as severe wire degradation and so a renewal is required. Within the Cambridge interlocking area, the existing Dullingham, Chippenham Junction and Bury St Edmunds Signal Boxes, that form part of the signalling system, are all mechanical signal boxes (involving traditional entrance and exit signal box control panels) that are now considered to have reached the end of their useful lives.
- 1.11 The Project aims to extend the life of the existing interlocking system by a further 35 years and to improve the reliability and performance of the signalling system in the Cambridge area.
- 1.12 The Project will involve the following works:
- a) the decommissioning of the Dullingham, Chippenham Junction and Bury St Edmunds signal boxes; the existing mechanical signal boxes will be decommissioned and replaced with a modern, digital Visual Display Unit workstation located at Cambridge Station;
 - b) the upgrade of the signalling power supply in the area including the installation of relocatable equipment buildings (**REB**) and a power supply along the route;
 - c) the upgrade of the existing telecoms network to a modern fixed telecommunications fibre optic network where required;
 - d) the renewal of the signalling at Chippenham Junction; and
 - e) re-locking, and thereby extending the life of, six adjacent interlock areas. A re-lock involves changing the interlocking sequence of the signalling system so that a signalling lever move

Statement of Case dated 20 January 2023

that was previously not possible is made possible (or vice versa) without changing what each signalling lever actually does.

- 1.13 In addition, the Project will provide for the upgrade of seven level crossings and the installation of REBs and ancillary works as further set out in in section 7 of this Statement. The upgrade of the level crossings will provide both safety and cost benefits when undertaken as part of the Project.
- 1.14 The full outcomes of the risk assessment for each level crossing and the proposed upgrades are described in detail in section 7 of this Statement. In summary, all seven of the level crossings scored highly in terms of risk on the ALCRM assessment with the preferred renewal option at each being either a full-barrier solution, with a Manually Controlled Barrier with Closed Circuit Television (**MCB-CCTV**), or a Manually Controlled Barrier monitored by Obstacle Detection (**MCB-OD**). The upgrade will improve the Fatality and Weighted Injury Score (**FWI**)¹ for each crossing and NR Anglia Route overall due to the total combined effects of the proposed upgrades. In addition, the upgrade will enable compliance with the Office of Rail and Road's (**ORR**) requirement to improve safety by moving away from automatic half-barrier crossings. Some elements of the works at these level crossings will take place outside of NR's existing operational boundary and land ownership.
- 1.15 The upgrades will also improve the pedestrian environment (increased footway size and the introduction of tactile threshold paving) at each of the level crossings in line with the ORR Guidance.
- 1.16 In addition, the Project has identified programme and cost benefits of undertaking the above level crossings upgrades, as follows:
- a) combined signalling upgrade as part of the wider Project reducing capital cost through increased engineering and construction synergies;
 - b) single source of agreed funding for the above; and
 - c) reduced impacts on train services, the surrounding road network and wider environment in terms of undertaking the proposed construction and signalling works (i.e. reduced need to undertake line or road closures at later dates).
- 1.17 The wider benefits of the Project include:
- a) renewal of existing assets to enable safe operation of the railway;
 - b) improved reliability of the signalling infrastructure;
 - c) improved performance of the signalling infrastructure;
 - d) improved Fatality and Weighted Inquiry scores in compliance with ORR requirements , improving safety by moving away from automatic half barrier crossings at the relevant level crossings;

¹ FWI is detailed as a numerical value measuring Safety Performance or Safety Risk at a crossing (e.g.: a fatality is weighted numerically as 1, each major injury is weighted as 0.1 of a fatality and each minor injury is weighted as 0.005 of a fatality). It gives a numerical view of the level or risk associated with level crossings and the statistics likelihood of a person, vehicle etc being struck, killed or injured by a train at that particular crossing. ALCRM collates this information from the Level Crossing Manager's (**LCM**) data collection and draws on this information entered to calculate the FWI.

Statement of Case dated 20 January 2023

- e) improved maintainability of the signalling infrastructure;
- f) enhanced safety of the railway;
- g) reduced operational cost; and
- h) an enabler for future projects.

2 THE APPLICANT

- 2.1 NR owns and operates the rail infrastructure network of Great Britain (**Network**), and its purpose is to deliver a safe, reliable and efficient railway for Great Britain.
- 2.2 NR is primarily responsible for the operation, maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Train services on the Network are operated by Train Operating Companies and Freight Operating Companies (**TOCs** and **FOCs**) to which NR, as facility owner, grants rights to use the Network in the form of track, station and depot access contacts approved by the ORR.
- 2.3 The activities of NR as the Network operator are regulated by the ORR by means of a Network Licence granted under section 8 of the Railways Act 1993 [**APP19**]. The Network Licence requires NR to secure the renewal and replacement of the Network, and the improvement, enhancement and development of the Network, in each case in accordance with best practice, and in a timely, economic and efficient manner so as to satisfy the reasonable requirements of persons providing service relating to railways and funders in respect of the quality and capability of the Network.
- 2.4 As the infrastructure manager, NR is also under a duty as regards the safety of the network, principally under the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (**ROGS**) [**APP20**]. The ROGS implement the EU Railway Safety Directive and require that any Infrastructure Manager or railway operator on the mainline railway must maintain a Safety Management System (**SMS**) and hold a safety certificate or authorisation indicating that the SMS has been accepted by the relevant safety authority, before being allowed to operate. The ROGS are EU-derived domestic legislation which continue to have effect in accordance with section 2 of the European Union (Withdrawal) Act 2018 [**APP21**].

3 THE APPLICATION DOCUMENTS

- 3.1 The Application comprises the formal application and those documents required by 2006 Rules to support it, namely:
 - a) Draft Order [**APP1**];
 - b) Explanatory Memorandum [**APP2**];
 - c) Statement of Aims [**APP3**];
 - d) Report summarising consultations undertaken [**APP4**];
 - e) Declaration of the Status of the Applicant [**APP5**];
 - f) Funding Statement [**APP6**];
 - g) List of consents, permissions or licences under other enactments [**APP7**];

Statement of Case dated 20 January 2023

- h) Waiver direction given by the Secretary of State under rule 18 of the 2006 Rules **[APP8]**;
- i) Land Plans **[APP9]**;
- j) Book of Reference **[APP10]**.

3.2 The provisions of the draft Order **[APP1]** are based on the Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I. 2006 No. 1954) **[APP24]**. Each article in the Order is explained in the Explanatory Memorandum **[APP2]**. This includes explanations of where it has been necessary to depart from the Model Clauses (for example with additional or amended provisions).

4 CONTEXT OF THE APPLICATION

- 4.1 Part 1 of the 1992 Act provides that orders may be made by the Secretary of State relating to, or to matters ancillary to, the construction or operation of railways and other guided transport systems. Orders made under the 1992 Act may authorise a range of matters including the compulsory acquisition and temporary use of land, and the creation or extinguishment of rights over land.
- 4.2 The proposed Network Rail (Cambridge Re-Signalling) Order forms one part of the consent strategy for the delivery of the Project, which includes applications for planning permissions under the 1990 Act and the use of permitted development rights under the GPDO.
- 4.3 The consents strategy for the Project, and the role of the Order within it, is summarised in Table 1 below:

Table 1: Summary of the consenting regimes for the Project

REGIME	WORKS/MATTERS AUTHORISED
The Order	<ul style="list-style-type: none">Stopping up of streets in connection with the works required to construct and operate the Project.Acquisition of land, and rights over land, and to use land temporarily in connection with the works required to construct and operate the Project. <p>Together referred to as the Order Scheme.</p>
Planning Permission	Planning permission under the 1990 Act granted by the relevant local planning authorities in relation to the installation of full barrier solutions and REBs, including any works and operations incidental or ancillary to such works.
Permitted Development	The works which include the installation of full barrier solutions and REBs and are located within NR's land ownership and operational boundary or within the Limits of Deviation set out in the relevant Railway Acts (as further outlined in section 5 of this Statement of Case).

- 4.4 All works required for the Project, including the installation of REBs, will be permitted by separate planning permissions and/or through the GPDO, with the applications/notifications

Statement of Case dated 20 January 2023

being submitted to the relevant local planning authorities as shown in Table 2 below. Where NR is able to rely on permitted development rights without the need to submit a prior approval application to the local planning authority, it nevertheless, out of courtesy, submits a voluntary prior notification to the authority notifying it of the details of the proposed works and intention to rely on the relevant permitted development right.

- 4.5 These applications will be decided, where applicable, by the local planning authorities in accordance with statutory procedures and national and local planning policies.

Table 2: Planning applications and prior approvals required for the works

Level Crossing Works Area	Relevant Local Authority	Proposed Works	Proposed Route	Consenting
Croxton	Breckland Council	Installation of full barrier solution, REB and ancillary works	Application for express planning permission via the 1990 Act.	
Meldreth	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Application for express planning permission via the 1990 Act.	
Foxton (Hauxton)	South Cambridgeshire District Council	Installation of REB.	Application for express planning permission via the 1990 Act.	
Milton Fen	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Prior Notification (Class A of Part 8 and 18 of GPDO (not requiring Prior Approval) Temporary works areas outside of NR ownership would be consented via Part 4, Class A of the GPDO.	
Six Mile Bottom	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Prior Notification (Class A of Part 8 and Part 18 of the GPDO) (not requiring Prior Approval). Temporary works areas outside NR's ownership would be consented via Part 4, Class A of the GPDO.	
Waterbeach	South Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works.	Part 8 and Part 18 of the GPDO. Prior Notification (not Prior Approval). Temporary works areas outside of NR ownership would be consented via Part 4, Class A of the GPDO.	

Statement of Case dated 20 January 2023

Dullingham	East Cambridgeshire District Council	Installation of full barrier solution, Power Supply Point, REB and ancillary works.	Prior Notification under Class A of Part 8 and Prior Approval under Class A of Part 18 of the GPDO.
Dimmock Cote	East Cambridgeshire District Council	Installation of full barrier solution, REB and ancillary works	Prior Notification under Class A of Part 8 and Prior Approval under Class A of Part 18 of the GPDO.

4.6 The purpose of the Order is to provide a range of supplementary powers to facilitate delivery of the Project alongside the permissions described above. In summary the Order will:

- a) authorise stopping-up of streets;
- b) provide powers for the compulsory acquisition of land and rights over land; and
- c) provide powers to use land temporarily for the purposes of constructing the works permitted by the planning permissions or under permitted development rights.

Proposed stoppings up of highways

4.7 The draft Order includes power (at article 3) to stop up streets. Schedule 1 to the Order contains a list of streets that may be stopped up.

4.8 This power is necessary to regularise the adopted highways boundary where new infrastructure (such as upgraded or new fencing proposed as part of the level crossings upgrades) would remove access for the public, with the maintenance liability moving from the relevant highways authorities to NR.

4.9 Given the limited extent of the proposed stopping up, the Order does not provide for any consultation with and/or approval of the relevant street authority. Nevertheless, both highways authorities affected by the proposals have been consulted to agree the extent of the stopping up powers included in the draft Order.

4.10 The Application was the subject of publicity and notices as required by the 2006 Rules under which objections to, and representations about, the proposed Order were invited to be made to the Secretary of State until 23 September 2022.

4.11 The Secretary of State for Transport received 30 objections and 5 representations.

4.12 As a consequence, and in accordance with the Inquiries Rules, the Secretary of State for Transport announced on 1 December his intention to hold a public local inquiry into the Application.

5 PLANNING AND POLICY CONTEXT

5.1 While the Order is for land issues only and does not include a request for deemed planning permission to authorise works, the intention of section 5 of this Statement of Case is to provide details of the relevant planning policy regime and to explain how approval is being sought for these works through the town and country planning process and the relevant development plan framework.

Network Rail Permitted Development rights

- 5.2 As further outlined above, the majority of works comprised in the Project, can be delivered using rights enjoyed by NR as a statutory undertaker pursuant to the GPDO as set out below.

Class A of Part 8 of the GPDO

- 5.3 Part 8 of the GPDO permits "*development by railway undertakers on their operational land, required in connection with the movement of traffic by rail*".
- 5.4 The use of Part 8 permitted development rights is restricted to NR's existing land ownership and operational boundary and is not permitted if it consists of or includes:
- a) the construction of a railway;
 - b) the construction or erection of a hotel, railway station or bridge; or
 - c) the construction or erection otherwise than wholly within a railway station of –
 - i) an office, residential or education building, or a building used for an industrial process; or
 - ii) a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

Class A of Part 18 of the GPDO

- 5.5 Part 18 of the GPDO permits "*development authorised by a local or private Act of Parliament*" and allows NR to rely on the statutory powers set out in relevant Railway Acts that authorised the original construction of the railway.
- 5.6 Each Railway Act is accompanied by a set of parliamentary plans showing the "limits of deviation" (**LoD**) within which works can be carried out. Part 18 provides that certain types of development, which consist of or include:
- a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam;
 - b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic

do not benefit from deemed planning permission under part 18 "unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained."

- 5.7 Class A of Part 18 can also be relied on in circumstances where elements of works are located outside of NR's operational boundary, provided the proposed works are consistent with the nature of works set out in the relevant Railway Act and within the LoD.

Impact on Environmental Impact Assessment on the above Permitted Development rights

- 5.8 Paragraph 10 of Article 3 of the GPDO provides that no development is permitted under Schedule 1 or Schedule 2 of the GPDO unless the relevant local planning authority for the area has adopted a screening opinion under regulation 5 confirming that the development in question is not EIA development. However, paragraph 12(b) states that paragraph 10 does not apply to development under Class A of Part 18 so that development under Part 18 can proceed even if

Statement of Case dated 20 January 2023

it is EIA development or, if prior approval under Part 18 is required, an application for prior approval can be accompanied by an Environmental Statement.

- 5.9 Screening opinion requests have been submitted to all local planning authorities affected by the Order.
- 5.10 South Cambridgeshire District Council, Cambridge City Council and Breckland Council have provided Environmental Impact Assessment (**EIA**) screening opinions stating that none of the works, which are proposed to be constructed by NR in reliance on permitted development rights, is subject to EIA. Accordingly, paragraph 10 of article 3 is not infringed and NR is able to rely on its permitted development rights in respect of its proposed development in the areas of those local authorities.
- 5.11 However, East Cambridgeshire District Council has provided EIA screening opinions for the Dullingham and Dimmocks Cote level crossing upgrades stating that the works in their administrative area are EIA development. The Project has therefore chosen to submit Prior Approval applications under Class A of Part 18 for works at these level crossings and the applications will be accompanied by ecological reports. This will enable East Cambridgeshire District Council to re-screen the Prior Approval applications as part of their validation process and it is anticipated that the authority will be able to conclude, in the light of the further ecological reports, that the proposed upgrade works are not EIA development requiring a full Environmental Statement.

Current status of Planning Permissions for level crossings upgrades

- 5.12 Planning applications and prior notifications for the following level crossing upgrade works have been submitted to the relevant local planning authorities at the date of this Statement:
- a) Prior Notification (Part 8 and 18 of the GPDO) (not requiring Prior Approval)) for works at Six Mile Bottom was submitted to South Cambridgeshire District Council on 8 November 2022 (ref.: 22/04960/PDNOT);
 - b) Prior Notification (Part 8 and 18 of the GPDO) (not requiring Prior Approval)) for works at Waterbeach level crossing was submitted to South Cambridgeshire District Council on 16 November 2022 (ref.: 22/05022/PDNOT);
 - c) Prior Notification (Part 8 and 18 of the GPDO) (not requiring Prior Approval)) for works at Milton Fen level crossing was submitted to South Cambridgeshire District Council on 24 November 2022 (ref.: 22/05141/PDNOT);
 - d) An application for full planning permission under the Town and Country Planning Act 1990 for the works at Hauxton level crossing was submitted to South Cambridgeshire District Council on 28 November 2022 (ref.: 22/05163/FUL);
 - e) An application for full planning permission under the Town and Country Planning Act 1990 for the works at Meldreth level crossing was submitted to South Cambridgeshire District Council on 1 December 2022 (ref.: 22/05204/FUL);
 - f) An application for full planning permission under the Town and Country Planning Act 1990 for the works at Croxton level crossing was submitted to Breckland Council on 21 December 2022 (3PL/2022/1442/F).
- 5.13 Prior notifications for works at Dullingham and Dimmocks Cote were submitted to East Cambridgeshire District Council but have since been withdrawn and applications for Prior

Statement of Case dated 20 January 2023

Approval, accompanied by relevant ecological reports, as described at paragraph 5.11, will be submitted.

National Policy Context

National Planning Policy Framework (NPPF) 2021

5.14 At a national level the NPPF (latest version adopted in July 2021) [APP29] sets out the Government's overarching planning policies and how these are expected to be applied.

5.15 At the heart of the NPPF 2021 is a presumption in favour of sustainable development. The presumption highlights that proposals which accord with an up to date development plan should be approved without delay unless material considerations indicate otherwise.

5.16 The objective of sustainable development can be summarised as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs' (Paragraph 7).

5.17 For decision-taking (Paragraph 11) this means:

"(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

5.18 The following sections of the NPPF 2021 are of specific relevance to the determination of applications for express planning permissions relating to the proposed level crossing works:

a) Section 2: Achieving sustainable development;

b) Section 4: Decision making;

c) Section 6: Building a strong competitive economy;

d) Section 8: Promoting healthy and safe communities;

e) Section 9: Promoting sustainable transport.

5.19 The proposed level crossing upgrade works are considered to accord with the above sections and paragraphs of the NPPF 2021 as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips and enhancing access to economic opportunities.

Relevant National Transport Policy

5.20 Britain's railway plays an essential role in supporting and creating economic growth by enabling safe, fast, efficient movement of passengers and goods into and between major economic centres and international gateways.

Statement of Case dated 20 January 2023

5.21 Consistent with Government strategy, the railway industry's ambition is to increase rail's already significant contribution to the country's economic, social and environmental welfare linking people and communities in an environmentally sustainable way.

5.22 In 2022 the Government recognised that there is a need for radical change in transport policy. The Government White Paper (Creating growth, cutting carbon: Making Sustainable Transport happen) (2011) [APP30] was published in January 2011. Paragraph 1.3 of the White Paper, explained that the government's vision is for *"a transport system that is an engine for economic growth but one that is also greener and safer and improves quality of life in our communities."* 5.4.4 Paragraph 2.2 of the paper highlighted the crucial role that sustainable transport can play in terms of enabling growth whilst also reducing carbon emissions and addressing climate change. It stated that *"sustainable transport modes can enable growth, for instance by improving access to work, to shops and other services, at the same time as cutting carbon emissions and tackling climate change. Certain interventions can also make a significant contribution to public health and quality of life."*

National Policy Statement for National Networks

5.23 The National Policy Statement for National Networks (NPS) [APP31] was published in December 2014 and sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the Project falls under the threshold detailed in the Planning Act 2008 (as amended), section 1.4 of the NPS states that:

"In England, this NPS may also be a material consideration in decision making any applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis."

5.24 It is therefore the case that whilst the NPS is primarily to guide and inform NSIP applications, it does have some degree of material weight in relation to the Project as the rationale supporting the proposed works is for the improvements to be delivered to parts of the national rail network, and should therefore be appraised accordingly. It is also important to understand the context of the Government's policy stance on rail infrastructure given the limited detail within the NPPF.

5.25 Section 2 of the NPS sets out the need for development of the national networks and details the Government's vision and strategic objectives:

"The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:

- *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
- *Networks which support and improve journey, reliability, and safety.*
- *Networks which support the delivery of environmental goals and the move to a low carbon economy.*
- *Networks which join up our communities and link effectively to each other."*

5.26 Paragraph 2.2 explains that: *"There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network*

Statement of Case dated 20 January 2023

that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks on quality of life and environmental factors."

- 5.27 Paragraph 2.4 goes on to mention the pressures the national networks are under, including a projected increase of 40% of journeys undertaken by rail and rail freight having the capacity to double by 2030.
- 5.28 Paragraph 2.6 states that improved transport links help to rebalance the economy.
- 5.29 Within paragraph 2.10 the NPS sets out an overarching statement that the Government concludes at a strategic level that there is a compelling need for the development of national networks.
- 5.30 The need for development of the national rail network is set out from paragraphs 2.28 – 2.41. These paragraphs identify the importance of the rail network as a vital part of the national transport infrastructure and for the growing demand for rail travel and future projected growth which together support the compelling need for developing the country's rail network.
- 5.31 Paragraph 2.9 presents the Government's vision for the Transport system in which railways must: *"offer a safe and reliable route to work"*.
- 5.32 Paragraph 3.12 further provides that *"It is the Government's policy, supported by legislation, to ensure that the risks of passenger and workforce accidents are reduced so far as reasonably practicable. Rail schemes should take account of this and seek to further improve safety where the opportunity exists and where there is value for money in doing so by focussing domestic efforts on the achievement of the European Common Safety Targets."*
- 5.33 The Project supports and contributes to the delivery of the Government's policy for rail, as set out in the NPS.

Local Policy Context

- 5.34 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the statutory development plan unless 'material considerations' indicate otherwise.
- 5.35 This section provides an overview of the national and local planning policies relevant to the determination of the applications for express planning permission.
- 5.36 The works are located within a number of local authorities' administrative areas as set out in Table 3 below with the relevant local plans for each set out in turn.

Table 3: Relevant Local Plan for each Level Crossing Works Area

Level Crossing Works Area	Local Authority	Local Plan
Croxton	Breckland Council	Breckland Local Plan (November 2019) Norfolk Minerals and Waste Local Plan – this plan is not considered a relevant

Statement of Case dated 20 January 2023

		consideration in relation to the proposed works
Meldreth	South Cambridgeshire District Council	South Cambridgeshire Local Plan (September 2018) Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) – this plan is not considered a relevant consideration in relation to the proposed works.
Foxton (Hauxton)		
Milton Fen		
Six Mile Bottom		
Waterbeach		
Dullingham	East Cambridgeshire District Council	East Cambridgeshire Local Plan (April 2015) Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) – this plan is not considered a relevant consideration in relation to the proposed works
Dimmock Cote		

Breckland Local Plan 2019 [APP32]

Principle of Development

- 5.37 Policy TR01 (Sustainable Transport Network) in the Breckland Local Plan is considered relevant to the works at Croxton level crossing.
- 5.38 This policy supports improvements to the road and rail connections both within the District and to the wider area and promotes improved access to, and interchange between, all modes of transport to key settlements and town centres. Development must not adversely impact on the operation or safety of the strategic road network and improve accessibility to services and support the transition to a low carbon future.
- 5.39 The proposed works are considered to be in accordance with this policy as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport enhancing provisions for alternatives to private vehicular trips within the district and wider region.
- 5.40 Further consideration of the Local Plan policies is set out in the Planning and Design Statement submitted to Breckland Council with the planning application for the works at Croxton level crossing [APP39].

South Cambridgeshire Local Development Plan 2018 [APP33]

- 5.41 The following policies in the South Cambridgeshire Local Development Plan are considered relevant to the works at Meldreth, Foxton (Hauxton), Milton Fen, Six Mile Bottom and Waterbeach level crossings:

Statement of Case dated 20 January 2023

- a) Policy S/2: Objective of the Local Plan – this policy indicates that the vision of the Local Plan will be achieved by maximising the potential for journeys to be undertaken by sustainable modes of transport including walking, cycling, bus and train.
 - b) Policy S/3: Presumption in favour of Sustainable Development – this policy details that South Cambridgeshire District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF 2021.
 - c) Policy TI/2: Planning for Sustainable Travel – this policy provides that development must be located and designed to reduce the need to travel, particularly by car, and promote sustainable travel appropriate to its location.
- 5.42 The proposed works within the South Cambridgeshire District Council's administrative area are considered to accord with the local planning policies as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.
- 5.43 The following policies in the South Cambridgeshire Local Development Plan are also considered relevant to the works at Foxton (Hauxton) level crossing which is located within Green Belt:
- a) Policy S/4: Cambridge Green Belt – this policy highlights how the Green Belt will be maintained around Cambridge and provides that new development in the Green Belt will only be approved in accordance with Green Belt policy as set out within the NPPF.
 - b) Policy NH/8: Mitigating the Impact of Development in and Adjoining the Green Belt – this policy seeks to protect the Green Belt from the impacts of Development and provides that any development proposals within the Green Belt must be located and designed so that they do not have an adverse effect on the rural character and openness of the Green Belt.
- 5.44 The proposed upgrade works at Foxton (Hauxton) provide vital improvements to the safety, reliability and efficiency of the railway infrastructure in the region, ensuring sustainable transport options remain well maintained and managed.
- 5.45 REBs are required to be located within close proximity to the rail infrastructure and level crossings which they serve. In the context of Foxton (Hauxton) Level Crossing, which is located within the Green Belt, the proposed infrastructure updates are similarly required to be located adjacent to the level crossing.
- 5.46 The location and layout of the proposed upgrade will not affect the openness or the character of the Green Belt. The proposed REB is set back from Hauxton Road and vegetation both to the front and rear of the REB will be retained. The design of the structure, and its olive green colour, will allow it to integrate with its surroundings. Views of the REB from the roadside will be limited given the retained vegetation, and the existing vegetation on the eastern side of the rail corridor will ensure views of the REB will be limited from neighbouring residential properties. It is likely that the REB will be viewed from the level crossing but this will be in the context of infrastructure associated with the railway and will not, therefore, impact openness.
- 5.47 The proposed level crossing upgrade is necessary and, therefore, an acceptable use within the Green Belt, and will comply with the policies in the NPPF. The proposed REB is small in scale and has limited impact on the openness of the Green Belt. Accordingly, it will not conflict with the five purposes of the Green Belt. As such, the principle of the proposed upgrade is considered to be acceptable.

Statement of Case dated 20 January 2023

- 5.48 Further consideration of the Local Plan policies is set out in the Planning and Design Statements submitted to South Cambridgeshire District Council with the planning applications for the works at Meldreth level crossing [APP40] and Foxton (Hauxton) level crossing [APP41].

East Cambridgeshire Local Plan 2015 [APP34]

- 5.49 The following policies in the East Cambridgeshire Local Plan 2015 are considered relevant to the works at Dullingham and Dimmocks Cote level crossings:

- a) Policy GROWTH 3: Infrastructure requirements – this policy sets out key infrastructure requirements relevant to growth within the district and includes 'improved rail and bus services'; and
- b) Policy GROWTH 5: Presumption in favour of sustainable development.

- 5.50 The proposed works within the East Cambridgeshire District Council's administrative area are considered to accord with the above policies as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.

Transport Plans and Strategies

Draft Cambridgeshire and Peterborough Local Transport and Connectivity Plan (May 2022) [APP35]

- 5.51 In May 2017 a Mayor was directly elected and the Cambridgeshire and Peterborough Combined Authority (CPCA) was formed as part of the devolution deal agreed with Central Government. The CPCA now has the strategic transport powers and is the Local Transport Authority for the Cambridgeshire and Peterborough area. The Mayor sets out the overall transport strategy for Cambridgeshire and Peterborough, called the Local Transport Plan.

- 5.52 As part of the Mayor's powers, the CPCA have produced the draft Cambridgeshire and Peterborough Local Transport and Connectivity Plan (May 2022). The goals of the plan are to provide an accessible transport system that delivers economic growth and opportunities and protects and enhances the environment to tackle climate change together.

Transport Strategy for Cambridge and South Cambridgeshire (TSCSC), 2014 [APP36]

- 5.53 This strategy supports the South Cambridgeshire Local Plan (and the Cambridge City Local Plan) and takes account of future levels of growth in the area. It details the transport infrastructure and services necessary to deliver this growth.

- 5.54 Eight objectives are set out in this strategy, as follows:

- a) to ensure that the transport network supports the economy and acts as a catalyst for sustainable growth;
- b) to enhance accessibility to, from and within Cambridge and South Cambridgeshire (and beyond the strategy area);
- c) to ensure good transport links between new and existing communities, and the jobs and services people wish to access;
- d) to prioritise sustainable alternatives to the private car in the strategy area, and reduce the impacts of congestion on sustainable modes of transport;

Statement of Case dated 20 January 2023

- e) to meet air quality objectives and carbon reduction targets, and preserve the natural environment;
- f) to ensure that changes to the transport network respect and conserve the distinctive character of the area and people's quality of life;
- g) to ensure the strategy encourages healthy and active travel, supporting improved wellbeing; and
- h) to manage the transport network effectively and efficiently.

5.55 Policy TSCSC 10: Improving Rails Services is considered to be relevant to the works at Meldreth, Foxton (Hauxton), Milton Fen, Six Mile Bottom and Waterbeach Level Crossings. This policy provides that the County Council will work with other authorities and the rail industry to bring forward service enhancements and new infrastructure to increase rail use, through frequency and capacity improvements and increasing the proportion of freight moved by rail in line with the Strategy approach.

Transport Strategy for East Cambridgeshire 2016 [APP37]

5.56 Policy TSEC 10: Improving Rail Services is considered relevant to the works at the Dimmocks Cote and Dullingham level crossings. This policy provides that the County Council will work with other authorities and the rail industry to bring forward service enhancements and new infrastructure to increase rail use, through frequency and capacity improvements and by increasing the proportion of freight moved by rail in line with the Strategy approach.

Norfolk County Council Local Transport Plan 4 Strategy (July 2022) [APP38]

5.57 The new Local Transport Plan, covering the period 2021-2036, was adopted at the full County Council meeting on 19 July 2022. The following policies are considered relevant to the works at the Croxton level crossing:

- a) Objective 6: Improving Transport Strategy, which provides that the County Council will aim to improve the safety of the transport network in order to reduce casualties and help people feel safe when using any mode of transport. The County Council aims to overcome the various challenges on the network and to create a network which encourages safe usage of the roads and to protect vulnerable transport users.
- b) Policy 8, which provides that the County Council's priority will be to improve major road and rail connections between larger places in the county, and to major ports, airports and cities in the rest of the UK.

Conclusion

5.58 Paragraph 7 of the NPPF 2021 states that to achieve sustainable development the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Statement of Case dated 20 January 2023

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 5.59 In terms of economic benefits, the Project will enhance Network across all of the above administrative areas providing enhanced and safer public transport provision. It will provide the opportunity for a more sustainable, reliable, and rapid alternative form of travel versus private vehicular trips and enhance pedestrian and vehicular safety at each of the relevant level crossing works areas.
- 5.60 In terms of social benefits, the Project will support the promotion of healthy communities by providing an improved rail and pedestrian network encouraging a modal shift change from private vehicular trips. The social benefits are also considered to be strongly supported in planning terms and represent a strong material planning consideration in favour of the Project.
- 5.61 The environmental benefits of the Project is a key issue in planning terms. The support for sustainable transport schemes as set out in the NPPF 2021, needs to be weighed against other policy factors within the NPPF 2021 and the environmental impact of the Project.
- 5.62 Environmental impact is a broad term and one of the benefits of the Project is that an enhanced Network will provide clear benefits in terms of reducing CO₂ and emissions associated with private vehicular trips. The full environmental impact of the Project has been assessed as part of the EIA process and in the documentation that accompanies each of the applications for express planning permissions.
- 5.63 The proposed works are considered to be in accordance with policies of the relevant local plans and the regional transport strategies/plans as they will improve the reliability, performance and safety of a sustainable low carbon form of public transport, enhancing provisions for alternatives to private vehicular trips within the district and wider region.

6 ACQUISITION AND USE OF LAND

Introduction

- 6.1 The Order, if made, will confer on NR the power to compulsorily acquire land, or rights over land, required to construct and operate the Project. The Order will also confer powers on NR to temporarily occupy and use land for the purposes of constructing the Project.
- 6.2 A large proportion of the works required for the Project will be undertaken on land that is currently in the freehold ownership of NR (within the existing rail corridor) and as such, no powers over that land are required to be included within the Order. However, several plots of land currently within private ownership are required for the Project, either on a permanent or temporary basis – it is those plots that are proposed to be subject to powers within the Order.
- 6.3 The powers sought in the draft Order in relation to land fall into the following categories:
- a) permanent acquisition of land;

Statement of Case dated 20 January 2023

- b) permanent acquisition of rights over land;
 - c) temporary use of land for construction purposes;
 - d) temporary use of land for access purposes;
 - e) permanent extinguishment of rights over land; and
 - f) temporary suspension of rights over land.
- 6.4 The Order, if made, will also discharge one plot of land (305) from all public or private rights of way to which it is currently subject.
- 6.5 All land over which powers are sought in the draft Order is shown on the Land Plans [APP9] and listed in the Book of Reference [APP10] that accompanied the Application.
- 6.6 The disparate nature of the plots shown on those plans, is indicative of the fact that existing land of NR will be used for the Project. All references to plots in this document are to be read in conjunction with those plans. The plots are colour-coded to denote the nature of the powers sought over them.
- 6.7 All areas of land subject to powers in the draft Order are necessary for the Project and no land will be acquired permanently, or used temporarily, unless essential to facilitate the Project. In respect of all land proposed to be subject to Order powers, NR is seeking to secure the relevant land by negotiation. As such, the powers in the Order would only be exercised where it is not possible or practicable to reach agreement.

Relationship between the powers in the draft Order and the separate planning permissions

- 6.8 As explained above, the Order would not authorise any works required for the Project. Instead, these are to be permitted by way of separate planning permissions granted by the local planning authorities (East Cambridgeshire District Council, South Cambridgeshire District Council and Breckland Council) or by relying on planning permission granted by the GPDO (primarily under Parts 8 and 18 of Schedule 2).
- 6.9 The planning permissions would not confer any powers to acquire or use any land required for the Project that is currently in private ownership. To ensure the Project can be delivered it is therefore critical that NR has the power to compulsorily acquire land and rights, and to use land temporarily for the purposes of construction. These powers will ensure that, if NR is not able to reach agreements with the relevant landowners, the land that is required for the Project can be secured. This is one of the primary purposes for which NR is applying for the Order.
- 6.10 Additional land included in the draft Order is primarily required for temporary use for construction and access purposes. This is to facilitate works permitted by express planning permissions to be granted by the local planning authorities, as well as works proposed to be carried out as permitted development under the GPDO. For example, the Order includes temporary land for a number of temporary construction areas to facilitate works along the route of the existing railway corridor which would be carried out using permitted development rights.

Statement of Case dated 20 January 2023

Permanent acquisition of land

- 6.11 A power of permanent acquisition is included in the draft in relation to land that is required for the Project's permanent structures or for other purposes on an on-going basis. Plots where such powers have been included in the draft are as set out in Table 4 below:

Table 4: Plots for permanent acquisition of land and structures

Purpose	Plots
These plots are needed to provide a permanent rail compound area for the placement of a Distribution Network Operator (DNO) cubicle, a relocatable equipment's building, parking and an access point to the compound, including for pedestrians.	002 and 009
The provision of permanent upgraded fencing along Meldreth Road, the provision of a new access point (gate) and permanent access along the eastern side of the railway for rail maintenance staff. A below ground turning chamber will also be installed.	003, 004 and 006
A permanent upgraded fence will be installed to prevent public access to the railway. Land parcel 007 would be located behind the upgraded fence.	005 and 007
A below ground turning chamber will be installed with upgraded fencing and permanent barrier equipment.	010
A REB will be installed. The land will also be used for cable troughing and the creation of hard-standing footpaths. Guard rails and fencing will also be installed.	101
The current title of this land parcel is unknown. It forms part of an access road that NR will require permanent access over as part of the Project. No works are proposed on this land parcel.	201
The western extent of land parcel 304 is no longer required following discussions with Cambridgeshire County Council and detailed design. The remainder of the land parcels are required for the installation of permanent barrier equipment, fencing, a below ground turning chamber and anti-trespass guards.	301 and 304
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier..	401 and 407
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier.	402 and 406
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier and the installation of fencing to prevent public access to the railway.	603
This parcel is required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier.	604

Statement of Case dated 20 January 2023

These parcels are required for the installation of upgraded fencing and railway infrastructure.	703 and 705
These parcels are required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier and installation of fencing to preclude public access to the railway.	902 and 904
This parcel is required for a permanent railway compound that will house a REB, control and power supply apparatus as well as a second modular building containing a generator which provides an uninterrupted power supply to the railway. The area will be fenced and will allow for parking by rail maintenance staff.	906
This parcel is required for the installation of barrier equipment, upgraded fencing, below ground infrastructure and amendments to the footway that runs parallel to the highway.	908
This parcel is required for the installation of barrier equipment, upgraded fencing, below ground infrastructure and amendments to the footway that runs parallel to the highway.	910
This parcel is required for the installation of a permanent level crossing road traffic light signal related to the upgraded barrier and installation of fencing to preclude public access to the railway.	911

- 6.12 The permanent land take, as proposed in the draft Order, has been identified based on the required placement of the upgraded level crossing barrier equipment and its future maintenance requirements. As the proposed works are upgrades to existing infrastructure at existing level crossings, there are limited opportunities to locate equipment in other locations i.e. the barrier equipment and ancillary works are by definition required in each corner of a level crossing as tight to the railway as possible.
- 6.13 Publicly owned land has been prioritised for use wherever possible. Private third-party land has only been considered where no suitable alternative land is available, and discussions were undertaken with the relevant landowners through NR's property agent; Brown & Co.
- 6.14 The proposed permanent land take and the design that informs this has been optioneered through NR's GRIP process with GRIP 3 (Option Selection) and informed by "approved in principle" drawings. Further refinement of the final land take is ongoing as part of GRIP 4 (Single Option Selection) and through discussions with the relevant landowners.

Permanent acquisition of rights over land

- 6.15 Powers to permanently acquire rights over land are sought in the draft Order where land does not need to be acquired outright, but rights over that land are required – for example a right of access for maintenance purposes on an on-going basis. Plots where such powers have been included in the draft Order are set out in Table 5 below:

Statement of Case dated 20 January 2023

Table 5: Plots for permanent acquisition of rights over land at structures

Plots	Purpose
001	Permanent rights are required for pedestrian access for use by maintainers around the perimeter of the secure compound proposed on land parcel 002 to allow access to NR's fence line along the western side of the railway.
100	Permanent rights are required for pedestrian access for use by maintainers around the perimeter of the REB proposed on land parcel 101. The REB will house railway signalling, telecom and electrical assets.
300, 302, 303, 308 and 312	Permanent rights are required for pedestrian access for use by maintainers to access the level crossing signalling and scanner equipment located to the north of Station House.
306	Due to the required land take for the new barrier equipment to the west, this land parcel will allow for a permanent right of access for landowner to the rear of their property.
405	Permanent vehicular access from adopted highway to REB and surrounding compound located to the north of the railway for use by maintainers. The REB will house railway signalling, telecom and electrical assets.
900	It is proposed at land parcel 906 to install a secure compound for railway and level crossing control equipment. This will contain a REB, control and power supply apparatus as well as a second modular building containing a generator which provides an uninterrupted power supply to the railway. Land parcel 900 is required to provide permanent vehicular access from adopted highway to this compound for use by maintainers.
905	Permanent pedestrian access around exterior perimeter of the level crossing barrier equipment and to the proposed compound to be located in land parcel 906 for use by maintainers.
907	Land parcel 907 will provide pedestrian access around the perimeter of the secure compound proposed in land parcel 906.
909	Permanent rights are required for pedestrian access for use by maintainers to access the level crossing signalling and scanner equipment.

- 6.16 Land parcels have been selected for permanent rights based on the required placement of the upgraded level crossing barrier equipment and its future maintenance requirements. Publicly-owned land has been prioritised for use wherever possible. Private third-party land has only

Statement of Case dated 20 January 2023

been considered where no suitable alternatives to access the required infrastructure is available with discussions undertaken with the relevant landowners through NR's property agent Brown & Co.

- 6.17 The proposed permanent rights and the design that informs this has been optioneered through NR's GRIP process with GRIP 3 (Option Selection) Approved in Principle drawings informing this. Further refinement of the final land take and the final route for any rights is ongoing as part of GRIP 4 (Single Option Selection) and through discussions with the relevant landowner.

Temporary use of land for construction purposes

- 6.18 Powers to use land temporarily for the purposes of construction are included in the draft order.
- 6.19 Land is required for a number of temporary worksites to facilitate the permanent works in various locations. The worksites will include, amongst other things, temporary construction areas and a car park. Plots where such powers have been included in the draft Order are set out in Table 6 below:

Table 6: Plots for temporary use of land for construction purposes at structures

Plots	Purpose
300, 302, 303, 306, 308, 309, 310, 311 and 312	These plots are required to provide temporary vehicular and pedestrian access and for use as a construction area
400, 404, 405, 408, 409, 410 and 412	These plots are required to provide temporary vehicular and pedestrian access including construction area
602	Tis plot is required to provide a temporary construction area
700	This plot is required to provide a temporary car park
805	This plot is required to provide a temporary construction area and new temporary access into adopted highway
902, 903, 905, 907 and 909	These plots are required to provide a temporary vehicular access and a construction area

- 6.20 Land parcels have been selected for use as temporary construction compounds and related accesses based on the required placement of the upgraded level crossing barrier equipment. The final construction compound areas have been informed by a Construction logistics review by NR's principal contractor Alstom and through discussions with the relevant landowners through NR's property agent: Brown & Co.

Temporary use of land for access purposes

- 6.21 Powers to use land temporarily for access purposes are required to facilitate the construction of the Project. This is a 'lesser' power compared to the power of temporary possession described above and is sought over land where exclusive possession is not required during construction (e.g. for the purposes of providing a worksite) and where permanent rights are not required for the purposes of the maintenance and operation of the Project.

Statement of Case dated 20 January 2023

- 6.22 NR is taking the approach of 'separating' out these two categories of temporary powers so as to ensure that no 'greater' powers over land are sought than is absolutely necessary to facilitate construction of the Project. Plots where the power of access have been included in the draft Order are as set out in Table 7 below:

Table 7: Plots for temporary use of land for access and oversailing purposes

Plots	Purpose
104	Temporary access for construction vehicles/contractor staff to access land parcel 101 off High Street for the installation of the REB and ancillary works.
404	Temporary access for contractor staff to access land parcel 406 and 408 off Station Road for the installation of upgraded barrier equipment and ancillary works.
411	Temporary access for construction vehicles and contractor staff to access land parcel 412 (a temporary construction compound) related to the installation of the REB and power supply point adjacent to the railway.
600	Temporary access for construction vehicles and contractor staff to access land parcel 601 (a temporary construction compound).
701 and 702	Temporary access to the temporary staff car park at Waterbeach Station (land parcel 700).
807	Temporary access for construction vehicles and contractor staff to access land parcel 805 (a temporary construction compound).
905 and 907	Temporary access for construction vehicles and contractor staff to access land parcels 903 and 906 for the period of construction.
909	Temporary access for construction vehicles and contractor staff to access the railway on the northeastern corner during construction works.

- 6.23 Land parcels have been selected for use as temporary access areas based on the required placement of the upgraded level crossings barrier equipment and access to the existing railway. The final construction compound areas have been informed by a construction logistics review by NR's principal contractor Alstom and through discussions with the relevant landowners through NR's property agent: Brown & Co.

Current status of negotiations with landowners

- 6.24 NR's aim is to minimise the need to exercise the compulsory acquisition powers being sought in the Order. To achieve that aim it has engaged with affected landowners to negotiate by agreement the right to acquire the necessary land interests or rights. Where that has not been possible in the time available, the aim is to agree the terms of acquisition and in the case of temporary land, the purposes for which that land will be required.

Statement of Case dated 20 January 2023

6.25 A summary of the private treaty negotiations as at the date of this Statement is provided in Table 8 below.

Table 8: Summary of private treaty negotiations

Land Parcel	Freehold owners or reputed freehold owners	Summary of private treaty negotiations
001 and 002	Thomas George Pepper and William Edward Pepper	Heads of Terms have been signed for both land parcels (dated 23 August 2022). The land purchase is targeted to be completed end of January 2023.
005, 006, 007, 009, 010, 304, 307, 308, 309, 312, 403, 700, 701, 702, 703, 704, 705 and 807	Cambridgeshire County Council	<p>NR held a number of workshops with the County Council and agreed to reduce the extent of the proposed permanent acquisition, as well as the extent of stopping up powers to align more tightly with the final permanent works. The details of this at each relevant level crossing area are still being finalised for agreement with the County Council A response from the County Council is currently awaited on the revised proposals.</p> <p>In relation to the proposed temporary acquisition of car parking spaces at Waterbeach Station Car Park (land parcel 700) – the parties have agreed to enter into a lease and the associated side agreement which provides that:</p> <ul style="list-style-type: none"> • no part of the land which is subject to the lease will be acquired compulsorily (notwithstanding provisions of the Order); and • the exercise by NR of the powers and rights under the Order will be subject to the terms of the agreement. <p>The lease has been executed on behalf of both parties and will be completed simultaneously with the side agreement. At the date of this Statement, the side agreement is with the Council for execution. Once the agreements have been sealed by the Council, NR will arrange execution on behalf of NR and the subsequent completion of both documents.</p>
100, 101 and 104	Randle Charles Roderick Feilden, Fiona Caroline Bryant and James Dougals Eden Bryant	<p>The following has been agreed with the relevant landowner on 30 September 2022:</p> <ul style="list-style-type: none"> • Heads of Terms for the acquisition of land; • Licence Agreement for temporary access during the works period; and

Statement of Case dated 20 January 2023

		<ul style="list-style-type: none"> Licence Agreement for temporary access to obtain any surveys for the planning application.
300, 305, 306 and 310	Philip David Woodley and Stephanie Hannah Woodley	Updated Heads of Terms were provided to the relevant landowner on 4 January 2022. NR is awaiting a response from the landowner's solicitor.
301, 302 and 311	Evan Richard Gard	Draft Heads of Terms were sent to the landowner on 4 December 2022 but are subject to further negotiations.
400, 404 and 406	Michael Mingay	Draft Heads of Terms were sent to the landowner on 17 October 2022, but are subject to further negotiations.
405, 411 and 412	Simon Fred Boyton Taylor	Draft Heads of Terms were sent to the landowner on 1 December 2022, but are subject to further negotiations.
600 and 602	Roy William Guy and Richard Donald Oughton	Discussions with the landowners are ongoing with a view of securing the necessary land take by private agreements.
805	Trevor James Smith and Davina Helen Harvey	Licence agreements sent to the landowner on 3 October 2022 and signed on 25 October 2022.
900, 903, 904, 905, 906, 907, 908 and 909	The Kilverstone Estate	Heads of Terms were agreed in October 2022, but await the final sign off by both parties. NR have recently met with the objectors' agent to agree a way forward. NR's proposal is that a side agreement is entered into ensuring that none of the landowner's land is acquired compulsorily pursuant to the provisions of the Order, in consideration of the landowner entering into the necessary private agreements.

Compensation matters

- 6.26 Landowners who have land or an interest in land acquired from them, or their land used temporarily, will be entitled to compensation, and landowners whose property is affected by the works authorised by the Order may also be entitled to compensation in certain circumstances.
- 6.27 The draft Order, at articles 5 and 6, applies Part 1 of the Compulsory Purchase Act 1965 **[APP27]** and the 1981 Act which, through their application, have the effect of requiring NR to pay compensation to parties that qualify under what is termed the 'Compensation Code'. The Code is a combination of statutory provisions in a number of enactments and legal precedents. The draft Order also includes specific provisions around the calculation of compensation in this context, at article 10, covering the disregard of certain interests and improvements in the value of land retained by an affected landowner.

Statement of Case dated 20 January 2023

- 6.28 In addition, the draft Order expressly provides for the payment of compensation to any person that suffers loss through the exercise of the powers in articles 3 (stopping up of streets), 8 (temporary use of land in connection with the development), 9 (temporary use of land for oversailing and access) and 11 (extinction or suspension of private rights of way).

European Convention on Human Rights

- 6.29 The powers over land sought in the draft Order are necessary to facilitate the construction, operation and maintenance of the Project. The land requirements have been carefully considered and limited as far as possible, to ensure they are proportionate.
- 6.30 The approach to be taken when considering the compulsory acquisition of land and rights is summarised in paragraph 12 of the Department for Levelling Up, Housing and Communities (DLUHC) July 2019 Guidance on Compulsory Purchase Process and the Crichel Down Rules [APP26], which states that compulsory purchase powers should only be given where there is *"a compelling case in the public interest"*.
- 6.31 The Guidance makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the person seeking to acquire the land should have regard, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.
- 6.32 Article 1 of the First Protocol to the European Convention on Human Rights states that:
- "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.*
- The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."*
- 6.33 Article 1 is a qualified right in that no one shall be deprived of his possessions *"except in the public interest and subject to the conditions provided for by law"*.
- 6.34 Whilst occupiers and owners of land will be deprived of their property if the Order is made, this will be done in accordance with the law. By enacting the 1992 Act, the Government has determined that, subject to procedural safeguards, it can be in the public interest for individuals to be deprived of their land for railway purposes. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Project, which would be facilitated in part by the Order, are set out earlier in this Statement. NR considers that the Order will strike a fair balance between the public interest in the implementation of the Project and those private rights which will be affected by the Order.
- 6.35 In addition, as set out above, where land, or rights over land, are authorised to be compulsorily purchased by the making of the Order, compensation will be payable. Where disputes as to the amount of compensation arise, these may be referred for independent consideration by the Upper Tribunal.
- 6.36 NR considers that there is a compelling case in the public interest for compulsory acquisition powers to be granted as part of the order. The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of affected

landowners and the public interest in securing the benefits of the project. Therefore, the interference with Convention rights is justified.

7 JUSTIFICATION FOR SAFETY UPGRADES AT LEVEL CROSSINGS

Level Crossings and NR's duties

- 7.1 Level crossings not only present a risk to the individual user but where they facilitate vehicular access over the railway, they also increase the likelihood of a potentially high-risk train accident and therefore, present one of the principal public safety risks on the railway. Each level crossing presents different arrangements and risks and therefore each level crossing is considered individually.
- 7.2 Level crossing safety is a priority for the ORR, the independent safety and economic regulator for Britain's railway. It is responsible for ensuring that railway operators comply with health and safety law. The ORR have recently issued their annual safety statistics, including accidents and safety incidents to passengers, workforce and members of the public. The report provides that level crossings continue to be a major source of risk on the railway. The moving annual average for all level crossing events had worsened by 15.9% by the end of the year and fatalities at crossings worsened considerably. There was a total of seven level crossing fatalities over the year. This is three more than last year and two more than each of the preceding years².
- 7.3 NR have an explicit legal duty under the Health and Safety at Work etc. Act 1974 (**HSWA**) [APP28] to, so far as reasonably practicable, not expose passengers, the public and/or workforce to risk at NR level crossings.
- 7.4 In NR's experience, the most effective way of reducing level crossing risk is to eliminate the crossing completely by closing it. Where this cannot be done, NR will look at options to make the crossing safe. 'Enhancing Level Crossing Safety'³ is NR's strategy to manage the safety and reliability of level crossings in Great Britain for the next 10 years. It is aligned to the rail industry strategy 'Leading Health and Safety on Britain's Railway'⁴ which targets improved safety at level crossings as one of its 12 key priorities.
- 7.5 To inform the justification for the safety upgrade of a level crossing Risk Assessments are undertaken by NR and updated on an ongoing basis. The frequency at which NR assesses a level crossing is dependent on the level of risk the crossing poses, but generally is undertaken at intervals of between one and three years or if any significant changes are made.

Level Crossings Risk Assessments

- 7.6 There are three aspects to a Risk Assessment which are carried out in respect of each level crossing, namely:
- a) On site data collection;
 - b) All Level Crossing Risk Model (**ALCRM**); and
 - c) Narrative Risk Assessment.
- 7.7 ALCRM is a web-based risk tool used by NR to support it in managing the risk to crossing users, passengers and rail staff by assessing the risks at each crossing and targeting those crossings

² <https://www.orr.gov.uk/sites/default/files/2022-08/annual-health-and-safety-report-2021-22.pdf>

³ <https://www.networkrail.co.uk/wp-content/uploads/2020/03/Enhancing-Level-Crossing-Safety-2019-2029.pdf>

⁴ [Leading-health-and-safety-on-britains-railway-issue-3-november-2020.pdf](https://www.networkrail.co.uk/wp-content/uploads/2020/03/Leading-health-and-safety-on-britains-railway-issue-3-november-2020.pdf) (rssb.co.uk)

Statement of Case dated 20 January 2023

with the highest risk for remedial measures. The ALCRM is used to provide a consistent basis for assessing risk at each level crossing so that NR can allocate resources to the highest risk crossings.

- 7.8 The risk assessments, as set out in ALCRM, are expressed in terms of the crossings risk to individual users (the Individual Risk Per Traverse) presented as a single letter (with A being the highest risk and M being the lowest risk).
- 7.9 The Narrative Risk Assessment (**NRA**) is based on two elements:
- a) a quantitative one (calculated risk model using ALCRM); and
 - b) a qualitative one (structured expert judgement).
- 7.10 The full set of Risk Assessments produced by SOTERA Risk Solutions (SOTERA assessments) is enclosed with this Statement [**APP11 – APP17**]. Also enclosed [**APP43 – APP49**] are the individual Narrative Risk Assessments for each crossing which have been produced by the Level Crossing Manager (**LCM**) responsible for that particular crossing.
- 7.11 NR's level crossing team supports NR's level crossing risk management process by providing a consistent methodology for assessing the safety risks to crossing users, train passengers and train staff at level crossings on NR's controlled infrastructure.
- 7.12 The focus of the Risk Assessment process is not to make the decision for the Project, but to equip stakeholders with the supporting information they need to make decisions on available options for upgrading of level crossings, which fall broadly in three categories:
- a) closure and re-routing;
 - b) closure and bridge/underpass; and
 - c) crossing upgrade.

AHB, MHB-OD and MHB-CCTV Crossings

- 7.13 Six of the seven level crossings for which powers are sought within the draft Order are Automatic Half Barrier (**AHB**) type crossings. An AHB crossing operates when an independent treadle arm located on the track is activated by being pushed down by the train wheels. This then activates the Red Traffic Lights, Yodal Alarms and half barriers located at the AHB and closes the highway, on the near side of each carriageway, to oncoming vehicles and pedestrians. When the train passes over the crossing another treadle is activated which then raises the barriers and resets the crossing back to its dormant state. This sequence of events is not interlocked with any signalling equipment and is, therefore, independent of that signalling. Therefore, once the treadle is activated, the train will pass over the crossing regardless of whether a vehicle or person may be stuck on that crossing.
- 7.14 The overall ALCRM for the entire network identifies that, while AHB crossings account for just 6% of the total estate, they hold 32% of total modelled risk, and 75% of AHB level crossings require the user to make the decision on whether it is safe to cross. AHB type crossings are, therefore, higher risk crossings compared to other types of crossings or full closures.
- 7.15 With an obstacle detection (**OD**) system, low and higher level radars scan the crossing and ensure the crossing is free from obstacles before the signalling system allows a train to pass over the crossing.

Statement of Case dated 20 January 2023

- 7.16 With a CCTV system the signaller visually checks the crossing on a CCTV monitor to ensure it is free from obstacles before pushing a "crossing clear button", which then activates the crossing.
- 7.17 Both systems are, therefore, interlocked and integrated to the signalling system thereby providing a much greater degree of protection for vehicle or pedestrian users as a train cannot pass over the crossing if it is obstructed in any way and both sides of the highway carriageway are barriered off to prevent any person or vehicle from entering the crossing.

Proposed upgrades

- 7.18 Current ALCRM Score for each level crossing, as well as the proposed upgrades are described in Table 9.
- 7.19 It is important to also note that each level crossing and its related equipment has an estimated life expectancy. This is defined through NR's use of the Signalling Infrastructure Condition Assessment (**SICA**) tool. The SICA renewal dates for each level crossing are also set out in Table 9.

Table 9: Existing Level Crossings Type, ALCRM and Proposed Upgrade

Name	Post Code	Existing Level Crossing Type	SICA Renewal Date ⁵	ALCRM Score		Proposed Level Crossing Type
				Individual Risk Per Traverse ⁶	Collective risk ⁷	
Milton Fen	CB24 6AF	Automatic Half Barrier	2021	D	2	Manually Controlled Barriers monitored by Obstacle Detection (MCB-OD)
Dimmock's Cote	CB6 3LJ	Automatic Half Barrier	2023	E	2	Manually Controlled Barriers monitored by Obstacle Detection

⁵ Signalling Infrastructure Condition Assessment (SICA), namely date by which renewal of the crossing will be required as assessed by the Route Asset Management Team

⁶ The Individual Risk Per Traverse (**RPT**) indicates how dangerous a crossing is regardless of usage level. RPT makes no assumptions about a 'typical user' and expresses risk in a numerical representation of FWI/Traverse. It is basically the measure of the likelihood of being truck/killed or injured by a train every time the crossing is traversed. It is presented as a single letter A to M (A is the highest risk, L is the lowest risk and M is zero risk (e.g.: temporary closed, dormant or crossings on mothballed lines))

⁷ Allocates collective risk into rankings 1 to 13 (1 is highest, 12 is lowest and 13 is 'zero risk' e.g. temporary closed dormant or crossings on mothballed lines).

Statement of Case dated 20 January 2023

Six Mile Bottom	CB8 0UJ	Automatic Half Barrier	2029	H	4	Manually Controlled Barriers monitored by Obstacle Detection
Dullingham	CB8 9UT	Manned Gate (MGH)	2023	K	7	Manually Controlled Barriers monitored by Obstacle Detection
Croxton	IP24 2RQ	Automatic Half Barrier	2025	G	3	Manually Controlled Barriers monitored by Obstacle Detection
Waterbeach	CB25 9HS	Automatic Half Barrier	2021	D	2	Manually Controlled Barriers monitored by Obstacle Detection
Meldreth	SG8 6XA	Automatic Half Barrier	2029	D	2	Manually Controlled Barrier with Closed Circuit Television (MCB-CCTV)
Foxton (Hauxton Road Level Crossing)	CB22 5HJ	N/A – New REB only – no works to Foxton level crossing				

- 7.20 NR have considered a number of options to reduce the risk at each level crossing, which were considered at a series of workshops with the Project design team and NR Safety Review Panel. These options were largely consistent with the options put forward by the LCMs in their own individual NRAs.
- 7.21 The options considered to enhance safety at each of the level crossings are set out in detail in the relevant risk assessments [APP11 – APP17] a summary of the options and the conclusions of the Risk Assessments provided below. Up to date individual NRAs are also included for each crossing [APP43 – APP49] and several of these assessments have been conducted after the original SOTERA Risk Assessments were produced for this project.

Statement of Case dated 20 January 2023

Milton Fen

- 7.22 Milton Fen Level Crossing is currently an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.23 The existing crossing has an ALCRM score of D2 with the collective risk rating of 2 identifying it as a very high risk crossing.
- 7.24 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Milton Fen mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to F5) and is, therefore, justified.
- 7.25 The most significant risk at Milton Fen is the volume of footfall which far outweighs the vehicle numbers – a full barrier solution offers total closure to vehicles and improves safety for all types of users.

Dimmock's Cote

- 7.26 Dimmocks Cote Level Crossing is currently an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.27 The existing crossing has an ALCRM score of E2 with the collective risk rating of 2 identifying it as an extremely high-risk crossing.
- 7.28 The option of a like for like replacement of the existing AHB Level Crossing has been considered and concluded to be not viable as it presents a very high level of risk and has a history of accidents and misuse. Furthermore, renewal of a level crossing with an ALCRM score of E2 as an AHB would be contrary to NR's strategy of upgrading higher risk AHB level crossings.
- 7.29 The overall conclusions of both the SOTERA and LCM assessments were that the extremely high levels of risk at Dimmocks Cote mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to I4) and is, therefore, justified.

Six Mile Bottom

- 7.30 Six Mile Bottom is an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.31 The existing crossing has an ALCRM score of H4 with the collective risk rating of 4 identifying it as a medium to high-risk crossing.
- 7.32 The option of a like for like replacement of the existing AHB type crossing has been considered and concluded to be not viable. Renewal of a crossing with an ALCRM score of H4 as an AHB crossing would be contrary to NR's strategy of upgrading medium/high risk AHB crossings when renewal is required.
- 7.33 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Six Mile Bottom mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to K6) and is, therefore, justified.

Dullingham

- 7.34 Dullingham Level Crossing is currently an MGH Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.

Statement of Case dated 20 January 2023

- 7.35 The existing level crossing has an ALCRM score of K7 with the collective risk rating of 7 identifying it as moderate risk crossing.
- 7.36 The overall conclusions of both the SOTERA and LCM assessments were that the moderate risk levels of risk and the high operational cost of the MGH crossing type at Dullingham mean that the upgrade to MCB-OD will significantly reduce the risk to both NR members of staff and the general public (a reduction in the ALCRM Score to J6, which is an average score for a CCTV crossing) and reduce the operational cost of the crossing and is, therefore, justified.

Croxton

- 7.37 Croxton is an AHB level crossing and is proposed to be upgraded to an MCB-OD level crossing.
- 7.38 The existing crossing has an ALCRM score of G3 with the collective risk rating of 3 identifying it as a very high-risk crossing.
- 7.39 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Croxton mean that the upgrade to MCB-OD will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to K6) and is, therefore, justified. An additional benefit of providing the MCB-OD solution at this crossing is that the ORR will sanction the removal of both 40mph Temporary Speed Restriction on the Up and Down lines that have been in place since 27 August 2012 costing over 10,500 delay minutes each year. Line speed can then be restored back to its 60mph limit.

Waterbeach

- 7.40 Waterbeach Level Crossing is currently an AHB Level Crossing and is proposed to be upgraded to an MCB-OD Level Crossing.
- 7.41 The existing crossing has an ALCRM score of D2 with the collective risk rating of 2 identifying it as an extremely high-risk crossing.
- 7.42 The option of a like for like replacement of the existing AHB crossing has been considered and concluded to be not viable as it presents a very high level of risk and has a history of accidents and misuse. Furthermore, renewal of a crossing with an ALCRM score of D2 as an AHB would be contrary to NR's strategy of upgrading higher risk AHB level crossings. The proposed upgrade is, therefore, justified.

Meldreth

- 7.43 Meldreth Level Crossing is an AHB Level Crossing and is proposed to be upgraded to an MCB-CCTV Level Crossing.
- 7.44 The existing crossing has an ALCRM score of D2 with the collective risk rating of 2 identifying it as a very high-risk crossing.
- 7.45 There is a potential to control the Meldreth Level Crossing from Foxton gate box at little or very low operational cost. However, operationally, having the same type of crossing as Shepreth Station (also an MCB-CCTV type crossing) is more straightforward. An MCB-CCTV crossing is therefore concluded to have a slightly lower capital cost, similar operational cost, and some operational simplicity benefit from having two similar type crossings between shared protecting signals.

Statement of Case dated 20 January 2023

- 7.46 The overall conclusions of both the SOTERA and LCM assessments were that the very high levels of risk at Meldreth crossing mean that the upgrade to an MCB-CCTV crossing will significantly reduce the risk at the crossing (a reduction in the ALCRM Score to H4) and is, therefore, justified.

8 CONSULTATION ON THE PROJECT

Public consultation

- 8.1 The local community has been engaged on the Project through information in local media and information on NR's website.
- 8.2 A single round of public consultation was carried out in March 2021. Noting Government Covid restrictions in place at the time, this event was undertaken primarily using digital techniques through NR Citizen Space and the Project website.
- 8.3 The event was publicised through a number of traditional consultation methods including leaflet drops, media advertisement and information boards at relevant stations.
- 8.4 The digital approach was supplemented by more traditional methods of consultation such as offers of direct written, e-mail or telephone correspondence with the Project Stakeholder Manager.
- 8.5 Presentations to key stakeholders including the local planning and highways authorities as well as local councillors were undertaken in January/February 2021 prior to the public consultation.
- 8.6 An information event concerning the final details of the Project and the Order was held in Autumn 2022.
- 8.7 NR remains committed to ongoing consultation and engagement with interested parties. This will continue as the Order progresses through the procedures process and beyond to completion of the Project.

Statutory consultation

- 8.8 At the same time as the public consultation, statutory consultation in line with Schedules 5 and 6 of the 2006 Rules was also undertaken with:
- a) any landowners (or tenants or those with rights in same) potentially affected by the Project – undertaken by NR's agent (Brown and Co) and NR Property and Liabilities teams (Eastern Region);
 - b) any statutory bodies such as the Environment Agency, Natural England and Historic England, as well as other statutory consultees such as the Office of Rail and Road – undertaken by NR's Portfolio and Consent Managers along with their Transport Consultant (Modelling Group) and Consent Manager and the Projects Stakeholder Manager;
 - c) key stakeholders such as the local planning and highways authorities – undertaken by NR's Portfolio and Consent Managers along with their Transport Consultant (Modelling Group) and the Projects Stakeholder Manager; and

Statement of Case dated 20 January 2023

- d) strategic stakeholders such as MPs, Local Councillors and Parish Councils – undertaken by the Projects Stakeholder Manager and the Senior Communications Manager (Anglia).

9 FUNDING

As stated in the Funding Statement [APP6] the Project, including the Order Scheme inclusive of compensation and any acquisition of blighted land) is fully funded by the UK Government to the total estimated costs of £193.449m.

10 PROJECT DELIVERY

- 10.1 The £130 million contract to undertake development of the detailed design, delivery and commissioning of the Project was awarded to Alstom in February 2022.
- 10.2 Alstom will deliver the complete renewal of the signalling system for the Cambridge area to replace the existing equipment which was installed in the early 1980s and the undertake the level crossing upgrade works.
- 10.3 The following high level construction programme for the level crossing upgrade works has been produced on an assumed level of access that is to be agreed with the train and freight operators, as well as being subject to the ongoing private agreements negotiations. This logic will be further developed in line with design progressing during the detailed design stage (GRIP5).
- 10.4 The pre-commissioning stage of the works (this includes constructing the equipment ancillary works) will take place first with the commissioning stage (where the level crossing upgrades will be integrated into the wider signalling system and tested to verify project specification requirements are met) following, as set out in Table 10.

Level Crossing	Pre-commissioning	Commissioning
Meldreth	Quarter 4 2023/Quarter 1 2024	Quarter 1 2024
Milton Fen	Quarter 2 2024	Quarter 2 2024
Waterbeach	Quarter 2 2024	Quarter 2 2024
Dimmocks Cote	Quarter 2 2024	Quarter 2 2024
Croxton	Quarter 2 2024	Quarter 2 2024
Dullingham	Quarter 4 2024	Quarter 4 2024
Six Mile Bottom	Quarter 4 2024	Quarter 4 2024

11 OBJECTIONS AND REPRESENTATIONS

- 11.1 The Application was submitted to the Secretary of State on Friday 5 August 2022.
- 11.2 Any objections to, or other representations about, the proposals in the Application were to be sent to the Secretary of State for Transport by Friday 23 September 2022.

Statement of Case dated 20 January 2023

- 11.3 By the close of the objection period 30 letters of objection and 5 representations were received by the Secretary of State. Of the 30 objections, 5 were from 'statutory objectors' for the purposes of section 11(4) of the 1992 Act. An objection was also received from Mr Parmee and was initially treated as a statutory objection, but is no longer treated as such as described below.
- 11.4 The objections and representations are summarised in Table 12 and 13 below together with NR's comments on the same by reference to paragraphs within this Statement of Case.

Statutory Objectors

- 11.5 Out of 30 letters of objection received in relation to the Application, five objections were received from statutory objectors whose land is proposed to be acquired compulsorily pursuant to the provisions of the Order.

Cambridgeshire County Council

- 11.6 Cambridgeshire County Council (**CCC**) submitted a holding objection in relation to:
- a) the extent of the stopping up powers sought within the draft Order; and
 - b) proposed temporary use of car parking spaces at Waterbeach Station Car Park.
- 11.7 Since submission of the Application, NR has held a number of workshops with CCC's highways and road safety teams (on 16 August 2022, 22 September 2022 and 18 November 2022) to discuss the extent of the stopping up powers required for the Project. More detailed design layouts in CAD drawings, topographical surveys and further details of road safety arrangements have been provided to CCC as part of these workshops and through e-mail correspondence.
- 11.8 CCC's comments have been carefully reviewed by NR, taken on board and incorporated into revised designs, which were issued to CCC for approval.
- 11.9 At the date of this Statement CCC's approval of the revised designs is still pending approval. However, provided CCC has no objections to the proposed revisions, NR will arrange for the draft Order, as well as the associated plans, to be amended accordingly.
- 11.10 In relation to the proposed temporary use of the CCC's property, known as car parking spaces at Waterbeach Station, a lease document has been agreed between NR and CCC. The lease will be accompanied by a Side Agreement (to be completed simultaneously with the lease) which will restrict exercise of the Order powers against any land of CCC which is subject to the lease.
- 11.11 At the date of this Statement the side agreement is with the Council for execution. As soon as the side agreement have been signed by the Council, NR will arrange for it to be executed on behalf of NR and completed simultaneously with the lease.

Norfolk County Council

- 11.12 Similarly to CCC, Norfolk County Council (**NCC**) requested further information in relation to the extent of the stopping up powers sought within the draft Order.
- 11.13 NR attended a workshop with NCC in November 2022 to discuss the extent of the stopping up powers required for the Project. NCC's comments have since been taken on board and revised designs issued to NCC for their approval.

Statement of Case dated 20 January 2023

- 11.14 Following the above information being provided, NCC has confirmed in writing that they are happy to remove their objection to the Order, subject to the details set out in NR's letter dated 19 January 2023. Confirmation of this has been provided by the Council to the DfT TIPU.

Greater Cambridge Shared Planning Service

- 11.15 The Greater Cambridge Shared Planning Service's (**GCSPS**) holding objection relates to potential traffic and environmental impacts of the proposed level crossings upgrades. GCSPS has also questioned NR's planning strategy.
- 11.16 NR submitted its formal response to GCSPS's holding objection on 8 December 2022.
- 11.17 NR considers that, while powers sought in the Order and the need for planning permission are linked, the correct consent regime for consideration of the issues raised by GCSPS is through the Town and Country Planning Act 1990 regime. As part of the Town and Country Planning Act regime, NR have undertaken and provided full traffic and environmental assessments in line with the relevant local planning authorities' validation lists for consideration by GCSPS. NR will continue to work with GCSPS to address any further requests for information and as part of the statutory consultation process that accompanies applications for the planning permissions (as further outlined above).

J Cole (Kilverstone Estate) – Gary Jon Bowman: The Right Honourable Patrick Vavasour Fourth Baron Fisher of Kilverstone and Mills & Reeve Trust Corporation Limited (Estate)

- 11.18 NR's property team has been liaising with the Estate and their agent in relation to an unrelated development scheme to the west of level crossing. As part of this negotiation, the parties agreed Heads of Terms which deal with, amongst other things, the proposed land take at Croxton Level Crossing sought under the Order.
- 11.19 As at the date of this Statement the Heads of Terms agreed with the Estate await final sign off by both parties. NR also recently met with the Estate to discuss removal of their objection and proposed that a side agreement is entered into to provide the Estate with the necessary comfort and restrict NR's powers to acquire any part of the Estate's land at the Croxton Level Crossing, notwithstanding provisions of the Order. As at the date of this Statement, NR is still awaiting the Estate's comments on their proposals.

Mr Philip David Woodley

- 11.20 NR's property team has been liaising with Mr Woodley in relation to the proposed construction works, as well as future access to Mr Woodley's property and 1 Station Cottages. As part of this negotiation, updated Heads of Terms were provided to Mr Woodley on 4 January 2023 and, at the date of this Statement, NR is awaiting approval of the same.

Non-statutory objectors

Upgrade of Meldreth Level Crossing and potential traffic impacts

- 11.21 The vast majority of objections received in relation to the Application relate to the proposed upgrade of Meldreth Level Crossing from an Automatic Half Barrier Crossing to a Manually Controlled Barrier with Closed Circuit Television. Objections also raise the potential traffic impacts of the upgrade resulting from longer barrier downtimes.
- 11.22 The issues raised in the objections do not relate to the powers proposed to be authorised by the Order, but planning permissions and deemed planning permissions which will authorise

Statement of Case dated 20 January 2023

works required as part of the Project (as further outlined above). Accordingly, it is considered that these issues are more appropriately considered and dealt with through the Town and Country Planning Act 1990 process and the related statutory consultation process.

- 11.23 Nonetheless, NR acknowledges that in making the case that there is a compelling case in the public interest for the grant of powers under the Order, it will need to address the merits and benefits of the proposed level crossings upgrades.
- 11.24 Prior to the Application being submitted NR sought to provide all interested parties with further information in relation to the proposed upgrades through the public consultation exercise in March 2021 and through undertaking Traffic Modelling, which was made available through the Project website. Interested parties were also provided with further information through a Frequently Asked Questions document (also made available via the Project website), and NR wrote and spoke to individual objectors.
- 11.25 Information in relation to the potential wider environmental impacts has also been considered through the environmental assessment process, which accompanies applications for planning permission submitted in relation to the Project.
- 11.26 In terms of the potential traffic impacts of the proposed level crossing upgrade, NR has undertaken Traffic Surveys and Modelling to assess the potential impacts of the increased barrier downtimes as each level crossing on all roads, users and the surrounding highway network. Meetings were also held throughout 2021/2022 with the affected highway authorities to agree the methodology for the Traffic Modelling. Traffic Surveys were subsequently undertaken in July 2021.
- 11.27 The following documentation and assessments have been produced and provided to the affected highways authorities:
- a) Level Crossing Study – Modelling Methodology;
 - b) Level Crossing Study – Local Model Validation; and
 - c) Level Crossing Study – Performance Report
- 11.28 The above was also made available via the Project website.
- 11.29 The Traffic Modelling **[APP42]** was based on 'do nothing' (which assessed the scenario with no upgrade, but including future traffic demand) and 'do something' (which included the proposed upgrade to MCB-CCTV level crossing, as well as future traffic demands) scenarios against the existing situation. These scenarios were then used to assess the network performance including the average delays that may be experienced by road users. The agreed scenarios for Meldreth level crossing are shown in Table 11 below with the increased barrier downtimes shown for each scenario.

Table 11: Traffic Modelling Scenarios for Meldreth

Scenario	Period – AM and PM	No. of times barrier called within period	Average Barrier Downtime (seconds)
Base Model - Existing Barrier Downtime	AM Peak - 08:00 to 09:00	10	62
	PM Peak - 16:30 to 17:30	9	62

Statement of Case dated 20 January 2023

Do-Nothing scenario - No barrier upgrade and future traffic demand	AM Peak - 08:00 to 09:00	12	62
	PM Peak - 16:30 to 17:30	10	62
Do-Something Scenario - future traffic demand and proposed barrier upgrade	AM Peak - 08:00 to 09:00	12	169
	PM Peak - 16:30 to 17:30	10	169

- 11.30 For the above scenarios the modelling shows that the 'do something' scenario would result in the existing 62 second barrier downtime increasing to 169 seconds in both the AM and PM peak – Downtimes would differ throughout the day depending on train timetables but these scenarios were modelled for both the AM and PM 'Peak' traffic periods to illustrate a reasonable worst case scenario.
- 11.31 Based on the above barrier downtimes and scenarios, an assessment of network performance on the road was undertaken. This showed that the average delay at Meldreth Road after the upgrade will increase as shown below:
- a) in the AM Peak the average delay will increase from the existing figure of 63.9 seconds to 91.8 seconds (an increase of 27.9 seconds);
 - b) in the PM Peak the average delay will increase from the existing figure of 50.8 seconds to 72.3 seconds (an increase of 21.5 seconds).
- 11.32 The Traffic Modelling also shows the following impacts resulting from the proposed upgrade:
- a) modest increases in the average and maximum queue lengths at the crossing. The highest increase is 52 metres, which is observed for the westbound direction in the AM peak. This equates to approximately 9 vehicles; and
 - b) the proposed upgrade will have a minimal impact on eastbound journey times (2 seconds) with an approximate 65 second delay to westbound traffic, which is not considered significant.
- 11.33 In summary the risk to public safety at level crossings depends on their configuration the volume of pedestrian and vehicle traffic traversing the crossing, and rail traffic and has been assessed through the Risk Assessment Method as noted above. The only way to eliminate this risk completely is to close each crossing.
- 11.34 However, as further identified above, in relation to Meldreth Level Crossing, NR consider its closure impracticable given the impact on local road networks, the distance to nearby level crossings and the related costs with greater potential environmental and social impacts.
- 11.35 NR's proposals to upgrade this level crossing therefore involves striking a balance between the convenience to local communities in being able to cross a railway and maintaining public safety in line with NR's legal requirements.
- 11.36 On balance, it is considered that the proposal will increase safety at this location and result in the least environmental and social impacts, noting that a 'Do Nothing' Scenario is not considered viable based on the existing ALCRM score (D2) at the level crossing.

Statement of Case dated 20 January 2023

- 11.37 The proposed MCB-CCTV option is considered to have a slightly lower capital cost, similar operational cost and some operational simplicity benefits resulting from having two similar type crossings between shared protecting signals. For these reasons, an MCB-CCTV type crossing is the preferred option at Meldreth Level Crossing.

Alex Parmee

- 11.38 Mr Parmee submitted an objection based on the traffic and environmental impacts of the proposed upgraded barrier at Meldreth level crossing. The objection also argued that land which is proposed to be acquired permanently pursuant to the provisions of the Order (land parcel 55) is within Mr Parmee's ownership boundary.
- 11.39 At the date of receipt of Mr Parmee's objection, the extent of his interest in the Order land was unclear. Accordingly, Mr Parmee was initially treated as a statutory objector for the purposes of the Order.
- 11.40 To clarify extent of Mr Parmee's land ownership both NR and Mr Parmee submitted applications to the Land Registry with a view to settling the question of ownership. The Land Registry has subsequently confirmed that the register has been updated and the Register now shows the full extent of land parcel 55 as owned by NR.
- 11.41 Therefore, at the date of this Statement of Case, Mr Parmee does not hold any interest in the Order Land. As such, he is no longer considered to be a statutory objector. Nevertheless, NR is continuing to engage with Mr Parmee with a view to ensuring his outstanding concerns are met and his objection to the Order withdrawn.

Table 12: Summary of objections

Objection		Grounds of Objection	NR's Position
OBJ 01	E Spain	No safety case for a double barrier at Meldreth Road Level Crossing. Increased downtime will result in air pollution and inconvenience to residents, as well as speeding to get across the Level Crossing.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 02	G Goodchild	<p>Objection to the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> there have been no incidents at the existing Level Crossing in 30 years; the proposed changes will result in inconvenience to residents; there has been no proper consultation in relation to the proposed changes; vehicles often ignore box junctions. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 03	D Smith	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> there is already a full barrier at the other crossing in Shepreth and the waiting times are unacceptable; there are no reasons for the proposed upgrade; increased downtime is likely to result in air and noise pollution as well as frustration of drivers, cyclists and pedestrians. <p>Request for information in relation to costs of the proposed works.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 04	J Burn	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> dramatic increase in waiting times; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> speeding; no safety justification for the proposed upgrade; no proper consultation 	
OBJ 05	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> excessive traffic delays already occur at Foxton (A10) and Shepreth stations; a full barrier at the Meldreth Road (Shepreth) crossing would compound traffic flow further; traffic held up at crossing for a long duration encourages speeding. <p>Explanation required:</p> <ol style="list-style-type: none"> On the table "Impact to Level Crossings" – is this chart a desktop analysis or based on real life data? What the heading Queue length means? Also journey time and average delay. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 06	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> existing crossing is safe and efficient and there are no reasons for the proposed upgrade; the proposed crossing will significantly extend waiting times, creating additional health and safety issues; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> the change would cause a built up of traffic on a dangerous bend (Meldreth side) – risk to pedestrians in the road; long queues would form and would be likely to block the flow of traffic at peak times (Shepreth side). 	
OBJ 07	B Smith Objection against the proposed upgrade of Meldreth Road Level Crossing – there have been no accidents attributable to the type of gate at the crossing in 40 years. Proposed upgrades will lead to longer downtimes which are already long.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 08	T Davey Objection against the proposed upgrade of Meldreth Road Level Crossing – whilst the risk assessment suggests that improvement should be made, there are no reported cases of near miss at the site. The length of time the double barrier is closed can be very long.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 09	M Lynch Objection against the proposed Meldreth Road Level Crossing upgrade – unnecessary as there are no recorded injuries at the crossing.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 10	T Lynch Objection against the proposed Meldreth Road Level Crossing upgrade. The proposed upgrade will increase journey times and is an unnecessary expense to achieve a needless safety objective. No recorded injuries at the Level Crossing.	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 11	R Faires Objection against the proposed Meldreth Road Level Crossing upgrade: <ul style="list-style-type: none"> no proper consultation; no proper modelling of the impact of the proposal; no safety reason for the proposed LX works; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> significant impacts on journey times, emergency services routes and locals; there is a requirement for NR to identify complex track and signalling layouts which may lead to the excessive warning times as experienced in Shepreth, which are expected to occur at the Meldreth road crossing. 	
OBJ 12	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> the existing barriers are efficient and there have been no historic incidents since 1995; the proposed upgrade will result in increased downtime. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 13	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> no reason for upgrade – Level Crossing performs well as is; increased downtimes will lead to increased speeding; barrier down time findings in NR's analysis are incorrect; increased barrier downtime will make access to the objector's property more challenging; queues will create environmental pollution; proposals will result in the light pollution; larger crossing and new service yard will lead to a greater number of vehicles movements throughout the night; <p>A Parmee (owner of 55 Meldreth Road – directly adjoining the railway)</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> proposed CCTV will affect the objector's privacy; proposed works will result in removal of well-established trees between the objector's property and the railway <p>Areas which are proposed to be permanently acquired are within the objector's boundary and there has not been sufficient engagement from NR in relation to these parcels of land.</p>	
OBJ 14	<p>Objection to changing Waterbeach Level Crossing from AHB to MBC-OD:</p> <ul style="list-style-type: none"> increased downtime; modelling is inconsistent. 	As outlined in paragraphs 7.40 - 7.42 of this Statement of Case
OBJ 15	<p>Submissions:</p> <ul style="list-style-type: none"> not enough information has been provided to assess the likely impacts of the proposed Scheme on their Estate and on the farm operations carried out on the Estate; unclear what are the likely heritage impacts of the Scheme on the pill box at Croxton Level Crossing (Norfolk Historic Environment Record 15052) – whilst outside order limits, physically within the boundary of Plot 905 and will be in close proximity to the Scheme works at Croxton; Croxton LX is used by agricultural vehicles – upgraded Level Crossing will increase the average and maximum queues of traffic at the crossing and will a direct effect on the operational works of the Estate; 	As outlined in paragraphs 11.18 - 11.19 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> • impact on the setting of the World War II pill box w/h Plot 905 – Heritage Statement required. <p>Objections:</p> <ul style="list-style-type: none"> • Compulsory acquisition of land – unclear why such a significant part needs to be acquired and how it is proportionate to the Croxton LX works that are envisaged; • Impact of the Scheme on the Estate and lack of information (as further outlined above). The Estate owners are also concerned that the Scheme works will disrupt timing when harvesting crops; • Impact of the Scheme on the setting of a heritage asset (as further outlined above). 	
OBJ 16	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • unnecessary – no incidents at the crossing; • increased downtime resulting in people speeding to avoid waiting; • proposed changes worse for the local residents. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 17	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • no proper consultation or local awareness; • flawed analysis - traffic modelling is incorrect; • minimal/nil actual risk on rail; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> • increase to risk on road and to the community in emergencies; • reduction of rail use 	
OBJ 18 A Davis	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • the Level Crossing will become more dangerous as pedestrians often climb over the barrier; • people speeding to avoid long waiting times; • unnecessary to upgrade the crossing as there is no history of accidents. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 19 Cambridgeshire County Council	<p>Scheme supported in principle, but objection on the basis of ensuring that the Council's position is protected:</p> <ul style="list-style-type: none"> • Council unable to determine the extent to which the plans impact on its assets; • concerns that the proposed Order will negatively impact users of the public highway in terms of accessibility and safety; • land parcels 005, 006 – stopping up considered unnecessary as proposed works can be delivered through an ordinary street works permit; • land parcel 009 – proposed stopping up is excessive and may prejudice against the future management of the verge on the approach to the level crossing, and access to the adjacent ditch for maintenance by the adjoining private landowner; 	As outlined in paragraphs 11.6 - 11.11 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> land parcels 304, 401, 402, 403, 601, 603 – proposed stopping up is immediately adjacent to the carriageway – concerns in relation to safety, visibility and access implications of the proposals; land parcels 703 and 704 – proposed stopping up areas encroach into the pre-existing footways which present a safety and access concern. <p>Council believes it necessary to seek protection of its highway assets, but remains hopeful that satisfactory amendments can be made to the draft Order. The Council is also prepared to reconsider its objections if sufficient information is provided by NR to justify that the stopping up proposals do not cause the concerns raised above.</p> <p>Council hopes for a consistent dialogue in relation to the impact the crossing scheme may have on traffic.</p>	
OBJ 20	<p>Norfolk County Council</p> <p>Concerns in relation to the proposed acquisition of plots 902, 908 (in part) and 909 (in part) where the plots overlap with the Highway boundary.</p> <p>Concerns raised with regard to stopping up and the erection of a fence or similar structure in areas of highway in 902, 908 and 909 as these are likely to diminish the available visibility from the existing agricultural accesses onto the highway, which would be detrimental to highway safety.</p>	As outlined in paragraphs 11.12 - Error! Reference source not found. of this Statement of Case
OBJ 21	<p>Objection against the proposed upgrade of Meldreth Road Level Crossing:</p> <ul style="list-style-type: none"> increased downtime (50-second cycle would be four minutes); no need to replace accident-free crossing; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> proposed upgrade and the associated increase in downtime will increase the risk of people trying to "jump" the crossing. 	
OBJ 22 P Woodley	<p>Objection against the proposed compulsory acquisition of the objector's land/right, as well as the proposed works:</p> <ul style="list-style-type: none"> the proposed acquisition will have a large impact on how the land is currently used (as a parking area); new NR equipment will impede vision of entering and exiting the objector's property; the objector will lose a car parking space to accommodate their neighbours right of way; increased risk of misuse of the objector's land to optimise the neighbour's parking – negative impact on relationship and mental health; privacy concerns in relation to the new pedestrian access for maintenance of the new barriers and wigwags going through the objector's property; privacy concerns in relation to the proposed changes to the existing right of way (private – neighbour); risk of vandalism/theft; disturbance from new signals which will sound for longer periods; 	<p>As outlined in paragraphs 6.25 and 11.20 and table 8 of this Statement of Case</p>

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> • safety concerns – no clear plans on how the machinery, equipment and materials will be made safe whilst the work is being carried out and how the barrier machines will be secured once in place; • not enough negotiation and time to consider NR proposals; • devaluation of the objector's property. 	
OBJ 23	<p>Objection against the proposed Meldreth Road Level Crossing upgrade as it will result in an increased downtime.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 24	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • changes not required – the crossing has no historical problems and is seldom used by pedestrians; • the proposed changes will cause a dangerous 'rush to cross' the crossing to avoid delays and will send traffic to minor roads and villages not designed for heavier usage. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 25	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • proposal will increase congestion, increase the difficulty of traffic flow and the risk of speeding; • deterioration in air quality; • risks will outweigh the minimal safety benefits; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection	Grounds of Objection	NR's Position
	<ul style="list-style-type: none"> • conclusion that the effects on the village will be "minimal" is flawed and is based on an incorrect analysis; and • the Parish Council requires consistent data specific to the Meldreth Road and Shepreth crossings to be collected, analysed and presented in a transparent and accessible manner before any final decision is made. 	
OBJ 26	<p>Objection against the proposed upgrade of Meldreth Road Level Crossing – the proposed upgrade will increase problems with traffic in the village and will increase traffic congestion.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 27 Prof R James	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • increased downtime which will constitute a significant difference; • no data provided on the impact of the changes on local traffic; • the proposed full barrier will not provide any improvements – there are no reductions in risk; • increased downtime is likely to result in more people speeding through the barrier. 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
OBJ 28 S Van de Ven (Meldreth, Shepreth and Foxton Community Rail Partnership)	<p>Partnership objects to "the continuing failure of NR to consult with members of the local community, and its reliance on inaccurate and contradictory data pertaining to Level Crossing crossing safety data, in its case for Meldreth Road Level Crossing upgrade.</p> <p>Request for meaningful response to concerns and challenged raised in the original consultation response submitted to C3R in 2021.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Objection		Grounds of Objection	NR's Position
OBJ 29	J Beckett	Concern over the proposal to replace half barrier level crossings and install full barrier level crossings. The wait time are considerably longer leaving frustrated car drivers, pedestrians and cyclists.	
OBJ 30	V Davies	<p>Objection against the proposed Meldreth Road Level Crossing upgrade:</p> <ul style="list-style-type: none"> • proposed changes are unnecessary and unwanted; • locals have not been given adequate chance to object; • increased down time will cause congestion on the Shepreth side of the crossing (pas houses where people already have to park on the street); • on the Meldreth side it will cause pollution and congestion near the L-Moor nature reserve; • will make journeys "untenable"; • the proposed upgrade will increase the risk of accidents (as people race to get over the crossing). 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

Table 13: Summary of representations

Representation		Grounds/comments	NR's Position
REP01	D Marsh	<p>Objection against the proposed upgrade of Meldreth Road Level Crossing:</p> <ul style="list-style-type: none"> • the proposed upgrade is unjustifiable; 	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

		<ul style="list-style-type: none"> • there have not been any incidents at the Level Crossing; • the argument about safety of pedestrians "does not make sense" as there are no pavements on the Meldreth side of the crossing; • the proposal will result in an increased downtime; • unwelcome, costly and unnecessary change. 	
REP02	<p>Little Wilbraham and Six Mile Bottom Parish Council</p>	<p>It appears that all land outside the old station is being acquired compulsorily (cars are currently parked here for Station House and 1 Station Cottages) and the VISSIM model for SMB suggests there will be significant increased queue with the Do Something model, possibly justified (p39) because the longer barrier down time 'allows multiple trains to pass at once' – but this is a single track, with one train each way each hour.</p>	<p>The level crossing at Six Mile Bottom is proposed to be upgraded from a half to a full barrier solution. There is a half barrier currently installed on the south-west corner of the level crossing. Only land parcels 301 and 304 are being permanently acquired to allow for the installation of the full barrier on the south-east corner of the crossing. The remaining powers are sought on temporary basis to allow construction, with limited extent of rights being acquired permanently to allow provide permanent access for both NR and the landowners of Station House and 1 Station Cottages to maintain access and parking arrangements.</p> <p>Section 6.1.2 of the Performance Report – Level Crossing Study referred to was amended in November 2022 to address a drafting error in the report. This did not affect the modelling with a single track and the relevant train timetables used as its basis.</p>

REP03	Sir and Lady D Wright	<p>Objection against the proposed changes to Meldreth Road Level Crossing – local residents have not been provided with sufficient notice of the proposed change, which will cause considerable inconvenience to those traveling on Meldreth Road.</p> <p>Request that more comprehensive consideration is given to the proposal and fuller consultation undertaken with the local residents.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
REP04	S Hatton	<p>Concerns raised in relation to the proposed changes to Meldreth Road Level Crossing at Shepreth.</p> <p>Request for evidence of the number of safety incidents recorded at the crossing.</p> <p>Concerns about the length of time the gates will be down compared to the current set up.</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case
REP05	Greater Cambridge Shared Partnership	<p>Joint representation on behalf of Cambridge City Council and South Cambridgeshire District Council.</p> <p>Overall the Councils support the aims of the scheme and representation submitted by way of a holding objection only.</p> <p>The Councils make no comment on whether or not the proposed works fall within PD and reserve their position with regard to the need for planning permission/other permissions.</p> <p>Cambridge City Council property services team has not been consulted on the site to the south of Long Road bridge.</p> <p>The Councils submitted representations to NR's public consultation in April 2021 and to the consultation on the EIA screening request in July 2021 and are concerned that NR has not given proper consideration to all the issues raised, which can be summarised as follows:</p>	As outlined in paragraphs 7.43 - 7.46 and 11.21 - 11.37 of this Statement of Case

		<ul style="list-style-type: none">• strongly support the proposed signalling upgrades and the safety improvements to the LXs; However the principle of development should be balanced against the potential impacts of the scheme in terms of transport, access and safety, air quality and carbon emissions and other environmental impacts;• further assessment is required of impact of barrier down time on traffic within the locality and the wider highway network including avoiding unforeseen impacts, and the resulting potential reduction in air quality and carbon emissions;• further assessment is required of barrier down time and behavioural responses including additional risk taking, to ensure that improvements in rail safety should not result in a reduction in road safety;• consider accessibility for pedestrians, cyclists and equestrians as well as those with reduced mobility affected by the proposed LX changes;• further assessment of the impact of the conversion at Shepreth from half barrier to a full barrier on vehicles queuing in the village is required, including the combined impact with the existing full barrier within 500 metres on traffic;• consider future upgrades to ensure passive provision is provided, including at Six Mile Bottom LX;• diversion of the Definitive Line of the Public Footpath Waterbeach 21 should be regularised;• consultation with Natural England is required on the potential impact of the works at Shepreth on the L-Moor SSSI and at Dimmock's Close (East Cambridgeshire) on Cam Washes SSSI;• consultation with Historic England is required on the potential impact of works at Milton, Waterbeach and Little Shelford on Scheduled Ancient Monuments;
--	--	--

		<ul style="list-style-type: none">the potential impact of the proposed development on protected species, listed buildings, Air Quality Management Zones, works within Flood Zones 2 and 3 should be assessed through information submitted with the appropriate consent applications. <p>The Councils have not received assurance from the Highways Authority that NR's modelling and the predicted impacts set out in the Traffic Modelling Report and a Level Crossing Study are supported.</p> <p>Methodology and conclusions set out in the risk assessments provided by NR are unclear. No acknowledgment has been made about the potential increase in risk from users seeking to cross before the barrier come down to avoid the longer wait times. NR required to provide satisfactory explanation of the risk assessment and the potential increase in risk resulting from the longer barrier down times.</p> <p>NR has not provided any assessment of the potential impact on air quality or carbon emissions. NR required to provide a satisfactory response including addressing the site-specific concerns raised by ward Councillors and Parish Councillors.</p> <p>The site to the south of Long Road bridge is within an area covered by a TPO. NR required to provide more information about the works in this area and an acceptable impact on protected trees.</p> <p>The Parish Council comment on the proposed upgrade of Meldreth Road LX – the Council is of the opinion that the proposal is under-researched and misleading and that a conclusion that will have a wide-ranging impact on the village is based on flawed data barely relevant to the LX in question. NR to provide transparent and proper analysis of site specific information for both Meldreth Road and Shepreth LXs before any final decision is taken.</p>
--	--	--

Statement of Case dated 20 January 2023

APPENDIX A

APPLICANT'S LIST OF DOCUMENTS

The following is a list of documents which NR presently intends to refer to or put in evidence at the public inquiry. NR reserves the right to refer to further documents if and insofar as they may become relevant or necessary.

Ref.	APPLICATION DOCUMENTS
APP1	Draft Order
APP2	Explanatory Memorandum
APP3	Statement of Aims
APP4	Report summarising consultations undertaken
APP5	Declaration of the status of the Applicant
APP6	Funding statement
APP7	List of consents, permissions or licences under other enactments
APP8	Waiver direction given by the Secretary of State under rule 18 of the 2006 Rules
APP9	Land Plans
APP10	Book of Reference
	SCHEME DEVELOPMENT DOCUMENTS
APP11	Risk Assessment for Waterbeach AHB Level Crossing
APP12	Risk Assessment for Dimmocks Cote AHB Level Crossing
APP13	Risk Assessment for Milton Fen AHB Level Crossing
APP14	Risk Assessment for Meldreth AHB Level Crossing
APP15	Risk Assessment for Dullingham MCB Level Crossing
APP16	Risk Assessment for Six Mile Bottom AHB Level Crossing
APP17	Risk Assessment for Croxton AHB Level Crossing
	LEGISLATION AND GUIDANCE (RELEVANT EXTRACTS)
APP18	Transport and Works Act 1992 (Part 1 and Schedule 1)
APP19	Railways Act 1993 (Section 8)

Statement of Case dated 20 January 2023

APP20	The Railways and Other Guided Transport Systems (Safety) Regulations 2006
APP21	The European Union (Withdrawal) Act 2018 (Section 2)
APP22	Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 8 and Part 18 of Schedule 2)
APP23	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006 No. 1466)
APP24	Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I. 2006 No 1954)
APP25	Transport and Works (Inquiries Procedure) Rules 2004 (S.I. 2004 No. 2018)
APP26	Guidance on Compulsory Purchase Process and Crichel Down Rules (MHCLG, July 2019)
APP27	Compulsory Purchase Act 1965 (Part 1)
APP28	Health and Safety at Work etc. Act 1974
	NATIONAL AND LOCAL PLANNING AND TRANSPORT POLICIES AND STRATEGIES AND GUIDANCE
APP29	National Planning Policy Framework
APP30	Government White Paper (Creating growth, cutting carbon: Making Sustainable Transport happen) (2011)
APP31	National Policy Statement for National Networks
APP32	Breckland Local Plan 2019
APP33	South Cambridgeshire Local Development Plan 2018
APP34	East Cambridgeshire Local Plan 2015
APP35	Draft Cambridgeshire and Peterborough Local Transport and Connectivity Plan (May 2022)
APP36	Transport Strategy for Cambridge and South Cambridgeshire (TSCSC), 2014
APP37	Transport Strategy for East Cambridgeshire 2016
APP38	Norfolk County Council Local Transport Plan 4 Strategy (July 2022)
	OTHER
APP39	Traffic Modelling

Statement of Case dated 20 January 2023

APP40	Croxton (Thetford Road), Level Crossing Upgrade – Planning, Design and Access Statement (December 2022)
APP41	Meldreth Road (Shepreth) Level Crossing Upgrade – Planning, Design and Access Statement (November 2022)
APP42	Hauxton Level Crossing Upgrade – Planning, Design and Access Statement (November 2022)
APP43	Milton Fen AHB Crossing – Level Crossing Narrative Assessment
APP44	Dimmocks Cote AHB Crossing – Level Crossing Narrative Assessment
APP45	Six Mile Bottom AHB Crossing – Narrative Risk Assessment
APP46	Dullingham MGH Crossing – Narrative Risk Assessment
APP47	Croxton AHB Crossing – Narrative Risk Assessment
APP48	Waterbeach AHB Crossing – Narrative Risk Assessment
APP49	Meldreth Road AHB Crossing – Narrative Risk Assessment

Statement of Case dated 20 January 2023

APPENDIX B

LOCATIONS WHERE DOCUMENTS MAY BE INSPECTED

As required by Rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004 the documents which the Applicant intends to refer to or put in evidence at the forthcoming inquiry (as listed in Appendix A) will be available for inspection and (where practicable and subject to the payment of a reasonable charge) may be copied at the locations listed below.

These documents will be available from Monday 23 January 2023 until the date of commencement of the inquiry.

A copy of every Statement of Case served by any other party and every document served with them will also be made available at these locations once received and copied by NR.

Location	Opening times
Cambridge Central Library, 7 Lion Yard, Cambridge CB2 3QD	Monday, Tuesday and Friday – 9.30am – 7pm Wednesday – 10.00am – 6pm Saturday – 12.00 – 4pm
Thetford Library, Raymond Street, Thetford IP24 2EA	Monday to Friday – 10.00am – 7.00pm Saturday and Sunday – 10.00am – 4.00pm

SG6

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Transport and Works Act 1992 c. 42

Preamble

Version 1 of 1

16 March 1992 - Present

Subjects

Transport

An Act to provide for the making of orders relating to, or to matters ancillary to, the construction or operation of railways, tramways, trolley vehicle systems, other guided transport systems and inland waterways, and orders relating to, or to matters ancillary to, works interfering with rights of navigation; to make further provision in relation to railways, tramways, trolley vehicle systems and other guided transport systems; to amend certain enactments relating to harbours; and for connected purposes.

[16th March 1992]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contains public sector information licensed under the Open Government Licence v3.0.

s. 1 Orders as to railways tramways etc.



Law In Force

Version 2 of 2

1 March 2010 - Present

Subjects

Transport

Keywords

Transport and works orders; Transport policy

1.— Orders as to railways tramways etc.

(1) The Secretary of State may make an order relating to, or to matters ancillary to, the construction or operation of a transport system of any of the following kinds, so far as it is in England and Wales—

- (a) a railway;
- (b) a tramway;
- (c) a trolley vehicle system;
- (d) a system using a mode of guided transport prescribed by order made under [section 2](#) below.

[

(1A) Subsection (1) is subject to—

- (a) [section 33\(2\)](#) of the [Planning Act 2008](#) (exclusion of powers to authorise development);
- (b) [section 120\(9\)](#) of that Act (exclusion of power to include ancillary provision in orders).

] ¹

(2) The power to make orders under this section shall be exercisable by statutory instrument.

Notes

¹ Added by Planning Act 2008 c. 29 [Sch.2 para.52](#) (March 1, 2010)

s. 2 Extension of section 1 to other guided transport systems.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Guidelines; Transport and works orders; Transport policy

2.— Extension of section 1 to other guided transport systems.

- (1) The Secretary of State may by order prescribe modes of guided transport for the purposes of [section 1\(1\)\(d\)](#) above.
- (2) The power to make orders under this section shall be exercisable by statutory instrument; but no order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

Part I ORDERS AUTHORISING WORKS ETC > Power to make orders > s. 2 Extension of section 1 to other guided transport systems.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 3 Orders as to inland waterways etc.



Law In Force

Version 2 of 2

1 March 2010 - Present

Subjects

Transport

Keywords

Inland waterways; Ministers' powers and duties; Transport and works orders

3.— Orders as to inland waterways etc.

- (1) The Secretary of State may make an order relating to, or to matters ancillary to—
- (a) the construction or operation of an inland waterway in England and Wales;
 - (b) the carrying out of works which—
 - (i) interfere with rights of navigation in waters within or adjacent to England and Wales, up to the seaward limits of the territorial sea, and
 - (ii) are of a description prescribed by order made under [section 4](#) below.

[

- (1A) Subsection (1) is subject to—
- (a) [section 33\(2\)](#) of the [Planning Act 2008](#) (exclusion of powers to authorise development);
 - (b) [section 120\(9\)](#) of that Act (exclusion of power to include ancillary provision in orders).

] ¹

- (2) The Secretary of State shall not make an order under this section if in his opinion the primary object of the order could be achieved by means of an order under the [Harbours Act 1964](#).
- (3) The power to make orders under this section shall be exercisable by statutory instrument.

Notes

¹ Added by Planning Act 2008 c. 29 [Sch.2 para.53](#) (March 1, 2010)

Part I ORDERS AUTHORISING WORKS ETC > Power to make orders > s. 3 Orders as to inland waterways etc.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 4 Description of works for purposes of section 3.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Descriptions; Inland waterways; Transport and works orders

4.— Description of works for purposes of section 3.

- (1) The Secretary of State may by order prescribe descriptions of works for the purposes of [section 3\(1\)\(b\)](#) above.
- (2) The power to make orders under this section shall be exercisable by statutory instrument; but no order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

*Part I ORDERS AUTHORISING WORKS ETC > Power to make
orders > s. 4 Description of works for purposes of section 3.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 5 Subject-matter of orders under sections 1 and 3.



Law In Force

Version 2 of 2

2 July 2012 - Present

Subjects

Transport

Keywords

Inland waterways; Public transport; Subject matter; Transport and works orders

5.— Subject-matter of orders under sections 1 and 3.

(1) Without prejudice to the generality of [sections 1 and 3](#) above, the matters as to which provision may be made by an order under either of those sections include those set out in [Schedule 1](#) to this Act.

(2) An order under section 1 or 3 above may make provision in relation to more than one scheme, system or mode of transport.

(3) An order under section 1 or 3 above may—

(a) apply, modify or exclude any statutory provision which relates to any matter as to which an order could be made under section 1 or, as the case may be, 3, and

(b) make such amendments, repeals and revocations of statutory provisions of local application as appear to the Secretary of State to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order;

and for the purposes of this subsection “*statutory provision*” means provision of an Act of Parliament or of an instrument made under an Act of Parliament.

(4) The provisions that may be made by an order under section 1 or 3 above include—

(a) any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to—

(i) any other provision of the order,

(ii) any provision of an earlier order under the section concerned, or

(iii) any provision which is contained in an Act of Parliament passed before the time when this Part of this Act is first wholly in force, or in an instrument made under an Act of Parliament before that time, and which is of a kind which could be included in an order under section 1 or 3 above;

(b) such supplemental and transitional provisions as appear to him to be necessary or expedient in connection with the order.

(5) A provision of an order under section 1 or 3 above relating to offences shall not authorise the imposition on persons convicted of an offence of a term of imprisonment or of a fine exceeding level 3 on the standard scale.

(6) An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied—

(a) that an alternative right of way has been or will be provided, or

(b) that the provision of an alternative right of way is not required.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(7) Where an order under [sections 104\(3\), 105\(3\)](#) or [112](#) of the [Transport Act 1968](#) (classification and maintenance of [Canal & River Trust's]¹ waterways, and maintenance and use of other waterways) is required so as to give effect to any proposal, no provision shall be included in an order under section 1 or 3 above which would—

- (a) remove that requirement, or
- (b) alter the requirements of [sections 104, 105](#) or [112](#) of, or [Schedule 13](#) to, that Act relating to orders under those sections.

Notes

- ¹ Words substituted by British Waterways Board (Transfer of Functions) Order 2012/1659 [Sch.3\(1\)](#) [para.12\(2\)](#) (July 2, 2012 subject to transitional provisions and savings specified in SI 2012/1659 arts 5 and 6)
-

Part I ORDERS AUTHORISING WORKS ETC > Power to make orders > s. 5 Subject-matter of orders under sections 1 and 3.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 6 Applications for orders under sections 1 and 3.



Law In Force

Version 8 of 8

5 December 2017 - Present

Subjects

Transport

Keywords

Applications; Inland waterways; Public transport; Transport and works orders

6.— Applications for orders under sections 1 and 3.

(1) Subject to [section 7](#) below, the Secretary of State shall not make an order under [section 1](#) or [3](#) above except on an application made to him in accordance with rules made under this section.

(2) The Secretary of State may make rules as to—

- (a) the form of an application under this section;
- (b) the documents and information that must be submitted with it;
- (c) the giving and publication of notices of an application;
- (d) any other steps that must be taken before an application is made or in connection with the making of an application.

[

(2A) The power to make rules by virtue of subsection (2) above includes power to make provision for or in connection with requiring the Secretary of State in such cases or circumstances as may be prescribed in the rules to give to a person who proposes to make an application under this section an opinion on the information, if any, to be supplied in connection with that application.

] ¹ [

(2B) The power to make rules by virtue of subsection (2) above includes a power to make rules as to the publicity to be given to any [EIA information (see [section 13A](#))] ³ provided in relation to an application made under this section.

] ²

(3) Any provision made by rules as to the consultation that must be carried out before an application is made [, or as to the provision of information by a relevant authority to a person for the purposes of an application which the person proposes to make,] ⁴ may include provision requiring compliance with general or special directions given by the Secretary of State.

(4) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

- (a) to dispense with compliance with rules that would otherwise apply, or
- (b) to require compliance with rules that would not otherwise apply,

in any case where he considers it appropriate to do so.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(5) Rules may provide for fees of such amounts as may be determined by or in accordance with the rules to be payable to the Secretary of State on the making of applications under this section.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[

(7) In subsection (3) above “*relevant authority*” means—

- (a) Natural England;
- (b) the Natural Resources Body for Wales;
- (c) a local planning authority, within the meaning of [Part 1](#) of the [Town and Country Planning Act 1990](#);
- (d) any other person or authority having specific environmental responsibilities, or local or regional competences, which the Secretary of State considers is likely to have an interest in an application a person proposes to make.

] ⁵

Notes

- ¹ Added by Transport and Works (Assessment of Environmental Effects) Regulations 1998/2226 [reg.2\(a\)](#) (October 7, 1998)
- ² Added by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(1\)](#) (April 20, 2006)
- ³ Words substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.2\(a\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 7, 8, 9 and 12)
- ⁴ Words inserted by Transport and Works (Assessment of Environmental Effects) Regulations 1998/2226 [reg.2\(b\)](#) (October 7, 1998)
- ⁵ Substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.2\(b\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 7, 8, 9 and 12)

Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 6 Applications for orders under sections 1 and 3.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 6A Cases where Member States are affected



Law In Force

Version 4 of 4

31 December 2020 - Present

Subjects

Transport

Keywords

Member States; Ministers' powers and duties

[

6A.— Cases where [...] ² Member States are affected

(1) The power conferred on the Secretary of State by [subsection \(2\) of section 6](#) above to make rules includes power to make rules for a case where an application has been made under that section and [a] ³ Member State is affected by the project in question, as to—

(a) the provision by the Secretary of State to the Member State, or to authorities in, or the public of, the Member State, of documents and information relating to the application;

(b) consultation by the Secretary of State with the Member State in connection with the application; or

(c) notification by the Secretary of State to the Member State of the decision, or of matters relating to the decision, on the application.

(2) For the purposes of subsection (1) above, the cases where [a] ³ Member State is affected by the project in question are those cases where—

(a) it appears to the Secretary of State that the project would be likely to have significant effects on the environment in [a] ³ Member State; or

(b) [a] ⁴ Member State is likely to be significantly affected by the project and requests information relating to the application.

[

(3) "*Member State*", in relation to any time, includes a State which is at that time a party to the EEA agreement.

] ⁵] ¹

Notes

¹ Added by Transport and Works (Assessment of Environmental Effects) Regulations 1998/2226 [reg.3](#) (October 7, 1998)

² Word repealed by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(2\)\(a\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 3 Word substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(2\)\(b\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
 - 4 Words substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(2\)\(c\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
 - 5 Substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 2 reg.2\(2\)](#) (March 12, 2019)
-

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for
making orders > s. 6A Cases where Member States are affected*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 7 Orders under sections 1 and 3 made otherwise than on application.



Law In Force

Version 2 of 2

20 April 2006 - Present

Subjects

Transport

Keywords

Inland waterways; Ministers' powers and duties; Public transport; Publication; Transport and works orders

7.— Orders under sections 1 and 3 made otherwise than on application.

(1) The Secretary of State may without any application being made to him make—

(a) an order under [section 1](#) above which relates to, or to matters ancillary to, the construction for naval, military, air force or other defence purposes of a railway, tramway or other system within [section 1\(1\)](#), or the operation of a railway, tramway or other system constructed for those purposes;

(b) an order under section 1 or [3](#) above making any provision which appears to the Secretary of State to be necessary or expedient, in the interests of safety,—

(i) for the purpose of suspending or discounting any operations, or

(ii) in consequence of the abandonment or neglect of any works;

(c) an order under section 1 or 3 above repealing or revoking provisions which appear to the Secretary of State to be spent.

(2) An order made by virtue of subsection (1)(b) above may include provision for the recovery by the Secretary of State of the costs of making the order and of carrying its provisions into effect.

(3) Where the Secretary of State proposes to make an order by virtue of this section, he shall—

(a) prepare a draft of the order,

[

(b) publish a notice of his intention to make the order, which notice shall include such particulars as may be prescribed, in the London Gazette and in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the draft order are intended to have effect, and

] ¹

(c) give such further notices of the proposal as may be prescribed.

(4) The power to make provision by rules under [section 6](#) above in relation to applications shall include power to make such corresponding provision as the Secretary of State considers appropriate in relation to proposals to make orders by virtue of this section; and in subsection (3) above “*prescribed*” means prescribed by rules under section 6.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- ¹ Substituted by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(2\)](#) (April 20, 2006)
-

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders
> s. 7 Orders under sections 1 and 3 made otherwise than on application.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 8 Model clauses.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Clauses; Transport and works orders

8.— Model clauses.

- (1) The Secretary of State may by order prescribe model provisions for incorporation in any draft orders which, in accordance with rules made under [section 6](#) above, may be required to be submitted with applications under that section.
- (2) Different provisions may be prescribed under this section for different cases.
- (3) The prescribing under this section of a model provision shall not of itself make it mandatory for a provision in the terms of the model to be incorporated in a draft order or in any order eventually made by the Secretary of State under [section 1](#) or [3](#) above.
- (4) The power to make orders under this section shall be exercisable by statutory instrument.

Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 8 Model clauses.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 9 Schemes of national significance.



Law In Force

Version 2 of 2

20 April 2006 - Present

Subjects

Transport

Keywords

Proposals; Publication; Resolutions

9.— Schemes of national significance.

(1) This section applies where an application made under [section 6](#) above relates (wholly or in part) to proposals which in the opinion of the Secretary of State are of national significance.

(2) Before the end of the period of 56 days beginning with the day on which he receives the application, the Secretary of State shall publish in the London Gazette a notice identifying the application and the proposals which in his opinion are of national significance.

(3) On, or as soon as practicable after, the day on which the notice required by subsection (2) above is published, the Secretary of State shall—[

(a) publish a like notice in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the application are intended to have effect, and

] ¹

(b) send a copy of the notice to the applicant and to every person within [section 11\(4\)](#) below who objected to the application in accordance with rules made under [section 10](#) below.

(4) The Secretary of State shall not make an order on the application unless each House of Parliament, on a motion moved by a Minister of the Crown which identifies the proposals referred to above, passes a resolution approving them at some time later than 56 days after the day of publication of the notice required by subsection (2) above.

(5) An order made on the application shall not include any provision that is inconsistent with a proposal approved by a resolution in accordance with this section unless that provision gives effect to modifications of the proposal which have themselves been approved by a resolution of each House of Parliament passed on a motion moved by a Minister of the Crown.

(6) This section shall apply in relation to an order which the Secretary of State makes or proposes to make by virtue of [section 7](#) above as it applies in relation to an order for which an application is made to him, except that in such a case—

(a) subsections (2) and (3) above shall not apply, and

(b) subsection (4) above shall apply as if the reference to the notice required by subsection (2) above were a reference to the notice required by [section 7\(3\)](#) above to be published in the London Gazette;

and any proposals which in the opinion of the Secretary of State are of national significance shall be identified as such in any notice required by or under [section 7\(3\)](#) above.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- ¹ Substituted by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(3\)](#) (April 20, 2006)
-

*Part I ORDERS AUTHORISING WORKS ETC > Procedure
for making orders > s. 9 Schemes of national significance.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 10 Objections.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Objections; Orders

10.— Objections.

(1) The Secretary of State may make rules as to—

- (a) the making of objections to an application under [section 6](#) above or to a proposal to make an order by virtue of [section 7](#) above;
- (b) the information to be comprised within or submitted with an objection;
- (c) the submission by the person making the application of written representations or information in relation to objections;
- (d) the submission of further written representations or information;
- (e) such other matters relating to the consideration of objections as appear to the Secretary of State to be appropriate.

(2) Subject to the following provisions of this section, the Secretary of State shall not make a determination under [section 13\(1\)](#) below to make an order without first taking into consideration the grounds of any objection in respect of which rules under this section have been complied with.

(3) If an objection is withdrawn or appears to the Secretary of State—

- (a) to be frivolous or trivial, or
- (b) to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation,

he may make a determination under [section 13\(1\)](#) below without further consideration of the objection.

(4) Subsection (2) above shall not apply where the Secretary of State causes an inquiry to be held under [section 11\(1\)](#) below or causes an objection to be dealt with in accordance with [section 11\(2\)](#) below, but the Secretary of State shall not make a determination under [section 13\(1\)](#) below without first taking into consideration the report of the person holding the inquiry, or as the case may be of the person appointed under [section 11\(2\)](#).

(5) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

- (a) to dispense with compliance with rules that would otherwise apply, or
- (b) to require compliance with rules that would not otherwise apply,

in any case where he considers it appropriate to do so.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 10 Objections.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 11 Inquiries and hearings.



Law In Force

Version 2 of 2

1 April 1996 - Present

Subjects

Transport

Keywords

Hearings; Ministers' powers and duties; Public inquiries; Transport and works orders

11.— Inquiries and hearings.

(1) The Secretary of State may cause a public local inquiry to be held for the purposes of an application under [section 6](#) above or a proposal by the Secretary of State to make an order by virtue of [section 7](#) above.

(2) The Secretary of State may give to a person who makes an objection in accordance with rules under [section 10](#) above an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where an objection is made by a person within subsection (4) below who informs the Secretary of State in writing that he wishes the objection to be referred to an inquiry or dealt with in accordance with subsection (2) above, then, unless [section 10\(3\)](#) above applies, the Secretary of State shall either cause an inquiry to be held or, if he so determines, cause the objection to be dealt with in accordance with subsection (2).

(4) The persons within this subsection are—

(a) any local authority for an area in which any works authorised by the proposed order are to be carried out, and

(b) where the proposals include the compulsory acquisition of land, any person who, if [Part II](#) of the [Acquisition of Land Act 1981](#) (notice to owners, lessees and occupiers) applied to the acquisition, would be entitled to a notice under [section 12](#) of that Act;

and for the purposes of paragraph (a) above “*local authority*” means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly [, a county borough council,]¹ and a Passenger Transport Executive.

(5) [Subsections \(2\) to \(5\) of section 250](#) of the [Local Government Act 1972](#) (attendance and evidence at, and costs of, inquiries) shall apply to an inquiry held under subsection (1) above; but—

(a) in its application by virtue of this subsection, [section 250\(4\)](#) shall have effect with the omission of the words “and any amount” onwards, and

(b) the power to make an order as to costs under [section 250\(5\)](#) as applied by this subsection shall be exercisable not only where the inquiry takes place but also where arrangements are made for it but it does not take place.

(6) [Subsections \(4\) and \(5\) of section 250](#) of the [Local Government Act 1972](#) (costs) shall apply in relation to proceedings under subsection (2) above as they apply in relation to an inquiry under subsection (1) above.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- ¹ Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.7\(I\) para.34\(1\)](#) (April 1, 1996)
-

Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 11 Inquiries and hearings.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 12 Special parliamentary procedure.



Law In Force

Version 2 of 2

25 June 2013 - Present

Subjects

Transport

Keywords

Compulsory purchase orders; Parliamentary procedure

12.— Special parliamentary procedure.

(1) An order under [section 1](#) or [3](#) above authorising a compulsory purchase shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of [section 18](#) or [19](#) of the [Acquisition of Land Act 1981](#) (or by virtue of [paragraph 5](#) or [6 of Schedule 3](#) to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under [section 2\(1\)](#) of that Act.

(2) In [section 3](#) of the [Statutory Orders \(Special Procedure\) Act 1945](#) (petitions against orders subject to special parliamentary procedure) after [subsection \(4\)](#) there shall be inserted—

“

(4A) The Chairman shall not certify that a petition is proper to be received if the order to which it relates is made under [section 1](#) or [3](#) of the Transport and Works Act 1992 and either—

(a) the petition is a petition of general objection and the order relates to proposals which have been approved by each House of Parliament in accordance with [section 9](#) of that Act, or

(b) the petition is a petition for amendment and any of the amendments asked for would in the opinion of the Chairmen be inconsistent with such proposals.

”

(3) In relation to an order under [section 1](#) or [3](#) above which is subject to special parliamentary procedure—

(a) [section 13\(5\)](#) below shall not apply,

(b) [section 22](#) below shall not apply if the order is confirmed by Act of Parliament under [[section 4](#) or [6](#)]¹ of the Statutory Orders (Special Procedure) Act 1945, and

(c) in any other case, [section 22\(1\)](#) below shall have effect as if for the reference to the day on which the notice required by [section 14\(1\)\(b\)](#) is published there were substituted a reference to the day on which the order comes into operation under the [Statutory Orders \(Special Procedure\) Act 1945](#).

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- ¹ Words inserted by Growth and Infrastructure Act 2013 c. 27 [s.25\(9\)](#) (June 25, 2013: insertion has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))
-

*Part I ORDERS AUTHORISING WORKS ETC > Procedure
for making orders > s. 12 Special parliamentary procedure.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13 Making or refusal of orders under section 1 or 3: general.



Law In Force

Version 2 of 2

5 December 2017 - Present

Subjects

Transport

Keywords

Decisions; Ministers' powers and duties; Notice; Transport and works orders

13.— Making or refusal of orders under section 1 or 3 [: general] ¹ .

(1) Where an application has been made to the Secretary of State under [section 6](#) above, or he proposes to make an order by virtue of [section 7](#) above, and (in either case) the requirements of the preceding provisions of this Act in relation to any objections have been satisfied, he shall determine—

- (a) to make an order under [section 1](#) or [3](#) above which gives effect to the proposals concerned without modifications, or
- (b) to make an order which gives effect to those proposals with modifications, or
- (c) not to make an order.

(2) Where an application has been made to the Secretary of State under [section 6](#) above and he considers that any of the objects of the order applied for could be achieved by other means, he may on that ground determine not to make the order (but this subsection is without prejudice to subsection (3) below).

(3) The power of the Secretary of State to make a determination under subsection (1) above includes power to make a determination in respect of some only of the proposals concerned, while making a separate determination in respect of, or deferring consideration of, others (and accordingly the power to make an order under [section 1](#) or [3](#) above includes power to make two or more orders on the same application).

(4) Where the Secretary of State proposes to make an order which gives effect to the proposals concerned with modifications which will in his opinion make a substantial change in the proposals—

- (a) he shall notify any person who appears to him to be likely to be affected by the modifications,
- (b) he shall give that person an opportunity of making representations to him about the modifications within such period as he may specify in the notice, and
- (c) he shall before making the order consider any representations duly made to him.

(5) An order under [section 1](#) or [3](#) above shall come into operation on the date on which the notice required by [subsection \(1\)\(b\)](#) of [section 14](#) below is first published, or on such later date, if any, as may be specified in the order.

[

(6) This section is subject to [sections 13B to 13D](#) (which make provision about the consideration of applications or proposals for EIA orders and the making of such orders).

] ²

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 1 Word inserted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.3\(a\)](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
 - 2 Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.3\(b\)](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
-

Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 13 Making or refusal of orders under section 1 or 3: general.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13A Environmental impact assessment: definitions



Law In Force

Version 1 of 1

5 December 2017 - Present

Subjects

Transport

[

13A.— Environmental impact assessment: definitions

- (1) This section defines certain terms used in this Part.
- (2) “*The EIA Directive*” means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.
- (3) “*EIA information*”, in relation to an application under [section 6](#), or proposal under [section 7](#), for an EIA order, means—
- (a) the environmental statement,
 - (b) any other information which the Secretary of State reasonably requires for the purpose of reaching a reasoned conclusion (see [section 13B](#)), and
 - (c) any representations made by any person about the environmental effects of the proposed works or other projects.
- (4) “*EIA order*” means an order authorising works or other projects—
- (a) which are—
 - (i) in a class listed in Annex I to the EIA Directive, or
 - (ii) in a class listed in Annex II to the EIA Directive and, by virtue of their nature, size or location, likely to have significant effects on the environment, and
 - (b) which are not exempt works.
- (5) For the purposes of subsection (4), works or other projects are exempt if the Secretary of State directs or decides (in accordance with rules made under [section 6](#)) that an environmental impact assessment is not required in respect of those works or projects.
- (6) “*Environmental statement*” means a statement which, by rules under [section 6](#), is required—
- (a) to accompany an application for, or be prepared in connection with the publication of a proposal to make, an EIA order, and
 - (b) amongst other matters, to set out the likely significant effects of the implementation of the EIA order applied for or proposed on the environment.
- (7) “*Reasoned conclusion*” means a reasoned conclusion under [section 13B\(1\)\(b\)](#).

] ¹

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 1 Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
-

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for
making orders > s. 13A Environmental impact assessment: definitions*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13B Application or proposal for an EIA order: reasoned conclusion



Law In Force

Version 1 of 1

5 December 2017 - Present

Subjects

Transport

[

13B.— Application or proposal for an EIA order: reasoned conclusion

(1) Before making a determination under [section 13\(1\)](#) in respect of an application or proposal for an EIA order, the Secretary of State—

(a) must consider the EIA information, and

(b) following that consideration, must reach a reasoned conclusion about the likely significant effects of the proposed works or other projects on the environment.

(2) The Secretary of State must obtain such expert advice as appears to the Secretary of State to be necessary for the purposes of considering the environmental statement.

(3) When making a determination under [section 13\(1\)](#) in respect of an application or proposal for an EIA order, the Secretary of State must take into account the reasoned conclusion.

(4) But the Secretary of State may determine to make an EIA order (whether with or without modifications) only if satisfied that the reasoned conclusion is up to date.

] ¹

Notes

- 1 Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders
> s. 13B Application or proposal for an EIA order: reasoned conclusion*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13C EIA orders: monitoring measures and remedial action



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Transport

[

13C.— EIA orders: monitoring measures and remedial action

(1) If the Secretary of State proposes to make an EIA order (whether with or without modifications), the Secretary of State must consider whether monitoring of the significant adverse effects of the works or other projects on the environment to be authorised by the order is appropriate and, if so, must consider—

- (a) whether it is appropriate to impose a monitoring measure, and
- (b) whether it is appropriate to impose a requirement to take remedial action.

(2) In this section, “*monitoring measure*”, in relation to proposed works or other projects, means a requirement to monitor any significant adverse effects of the works or projects on the environment.

(3) For the purposes of subsection (1)(a), the Secretary of State must take into account any monitoring arrangements which are required to be carried out under the law of any part of the United Kingdom (other than a provision [which implemented]² the EIA Directive).

(4) The Secretary of State may impose a monitoring measure or a requirement to take remedial action in the EIA order or, if the Secretary of State gives a direction under [section 90\(2A\)](#) of the [Town and Country Planning Act 1990](#) on the making of the EIA order, by way of condition specified in that direction.

(5) But the Secretary of State may impose a monitoring measure only if satisfied that the type of parameters which will be required to be monitored and the duration of such monitoring are proportionate having regard to—

- (a) the nature, location and size of the proposed works or other projects, and
- (b) the significance of the effects of the works or other projects on the environment.

] ¹

Notes

- ¹ Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- ² Word substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(3\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making
orders > s. 13C EIA orders: monitoring measures and remedial action*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 13D Application or proposal for an EIA order: time limit



Law In Force

Version 1 of 1

5 December 2017 - Present

Subjects

Transport

[

13D. Application or proposal for an EIA order: time limit

The Secretary of State must make a determination under [section 13\(1\)](#) in relation to an application or proposal for an EIA order within a reasonable period of time (having regard to the nature and complexity of the works or other project to which it relates) beginning on the day on which the Secretary of State has all of the information necessary to reach the reasoned conclusion.

] ¹

Notes

- ¹ Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making
orders > s. 13D Application or proposal for an EIA order: time limit*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14 Publicity for making or refusal of orders.



Law In Force

Version 7 of 7

31 December 2020 - Present

Subjects

Transport

Keywords

Decisions; Notice; Publication; Transport and works orders

14.— Publicity for making or refusal of orders.

[

(1) As soon as practicable after making a determination under [section 13\(1\)](#) above, the Secretary of State must—

- (a) give notice of the determination to the persons specified in subsection (1A),
- (b) publish a notice of the determination in the London Gazette, and
- (c) if it relates to an EIA order, make a notice of the determination available on a website maintained by or on behalf of the Secretary of State.

(1A) The specified persons are—

- (a) the person (if any) who applied for the order;
- (b) any person who made an objection which was referred to an inquiry or hearing in accordance with [section 11\(3\)](#);
- (c) if the determination is that an EIA order is to be made, to any authority the Secretary of State considers is likely to be concerned by the works or other projects authorised by the order because of their specific environmental responsibilities or local and regional competencies.

] ¹ [

(2) A notice under subsection (1)(a) above shall give—

- (a) the reasons for the determination and the considerations upon which it is based;
- (b) information about the public participation process; and
- (c) information regarding the right to challenge the validity of the determination and the procedures for doing so.

(2A) A notice under subsection (1)(b) above shall state—

- (a) the terms of the determination;
- (b) that the notice under subsection (1)(a) above gives the information referred to in subsection (2)(a) to (c) above; and
- (c) where copies of the notice under subsection (1)(a) above may be obtained.

] ²

Transport and Works Act 1992

(3) A notice under subsection (1) above of a determination to make an order shall give such particulars of the terms of the order as the Secretary of State considers appropriate, and in particular shall (except where the order is made by virtue of [section 7](#) above) state the name and address of the person who applied for the order.

[

(3A) Where a determination under [section 13\(1\)](#) above relates to an application or proposal [for an EIA order]⁴, the notices under subsection (1) above shall state that, before the Secretary of State made the determination—

- (a) he [complied with [sections 13B to 13D](#)]⁵, and
- (b) he complied with any obligations under [section 10](#) above in respect of any objection made in accordance with rules under that section which relates to the environmental statement, and
- (c) he considered, or referred to an inquiry under [section 11\(1\)](#) above or a person appointed under [section 11\(2\)](#), any representation duly made to him (other than an objection) which relates to the environmental statement.

[

(3AA) If an EIA order is to be made—

- (a) the notice under subsection (1)(a) must also include the address of the website on which it is to be made available under subsection (1)(c), and
- (b) the notices under subsection (1)(a) and (c) must include the information specified in subsection (3AB).

(3AB) The specified information is—

- (a) in so far as they relate to the likely significant effects of the proposed works or other projects on the environment, a summary of —
 - (i) the results of any consultation undertaken in accordance with rules made under [section 6](#) (including in particular any comments made by, or the authorities in or public of, [a]⁷ Member State), and
 - (ii) any objections made in accordance with rules made under [section 10](#),
- (b) a summary of how those results and objections have been taken into account in making the determination,
- (c) the reasoned conclusion,
- (d) a description of any features of the works or other projects, or measures, to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects of the works or other projects on the environment, and
- (e) a statement of any monitoring measures, requirements to take remedial action or other conditions relating to the likely significant effects of the proposed works or other projects on the environment that are imposed.

] ⁶ [...] ⁸

(3C) The Secretary of State shall send a copy of any notice to which subsection (3A) above applies to any person who made—

- (a) an objection to which paragraph (b) of that subsection refers, which was not referred to an inquiry or hearing in accordance with [section 11\(3\)](#) above, or
- (b) a representation to which subsection (3A) (c) above refers.

[...] ⁹] ³ [

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(4) Where the Secretary of State makes a determination under [section 13\(1\)](#) above, the appropriate person shall publish a notice in a local newspaper circulating in the area, or in each of the areas, in which the relevant proposals are or were intended to have effect; and such notice shall state the information referred to in subsection (2A) (a) to (c) above.

(4A) In subsection (4)—

(a) in relation to an application for an order under [section 1](#) or [3](#) above—

(i) “*appropriate person*” means the person who applied for the order;

(ii) “*relevant proposals*” means the proposals contained in the application;

(b) in relation to a proposal to make an order by virtue of [section 7](#) above—

(i) “*appropriate person*” means the Secretary of State;

(ii) “*relevant proposals*” means the proposals contained in the draft order prepared by the Secretary of State pursuant to [section 7](#).

] ¹⁰

(5) As soon as practicable after the making of an order under [section 1](#) or [3](#) above, the person who applied for the order (or, where the order is made by virtue of [section 7](#) above, the Secretary of State) shall—

(a) deposit in the office of the Clerk of the Parliaments a copy of the order, and of any plan or book of reference prepared in connection with the application (or proposed order), and

(b) deposit with each of the councils mentioned in subsection (7) below in whose area works authorised by the order are to be carried out a copy of each of those documents, or of so much of them as is relevant to those works.

(6) Where a plan or book of reference is revised before the order is made, the reference in subsection (5)(a) above is to the latest version.

(7) The councils referred to in subsection (5) above are district councils, London borough councils and the Common Council of the City of London [but are, in relation to Wales, county councils and county borough councils] ¹¹ .

(8) A council with which documents are deposited in accordance with subsection (5) above shall make them available for inspection free of charge at all reasonable hours.

Notes

- 1 S.14(1) and (1A) substituted for s.14(1) by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(2\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 2 S.14(2) and (2A) substituted for a.14(2) by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(4\)](#) (April 20, 2006)
- 3 Added by Transport and Works (Assessment of Environmental Effects) Regulations 1995/1541 [reg.2](#) (August 1, 1995)
- 4 Words substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(3\)\(a\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 5 Words substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(3\)\(b\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 6 S.14(3AA) and (3AB) substituted for s.14(3AA) by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(4\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 7 Word substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(4\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 8 Repealed by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(5\)](#) (December 5, 2017: repeal has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 9 Repealed by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(6\)](#) (December 5, 2017: repeal has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 10 S.14(4) and (4A) substituted for s.14(4) by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(5\)](#) (April 20, 2006)
- 11 Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.7\(I\) para.34\(2\)](#) (April 1, 1996)
-

Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 14 Publicity for making or refusal of orders.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 14A Compulsory acquisition: notice requirements



Law In Force

Version 1 of 1

2 February 2017 - Present

Subjects

Transport

[

14A Compulsory acquisition: notice requirements

(1) This section applies where the appropriate national authority has determined under [section 13\(1\)](#) to make an order under [section 1](#) or [3](#)—

- (a) authorising the compulsory acquisition of land in England or Wales, and
- (b) applying [Parts 2 and 3](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) to the acquisition.

(2) As soon as practicable after the appropriate national authority has made the determination, the acquiring authority must give a notice to any person who, if [Part 2](#) of the [Acquisition of Land Act 1981](#) applied to the acquisition, would be entitled to a notice under [section 12](#) of that Act (notice to owners, lessees and occupiers).

(3) The notice must—

- (a) contain a statement about the effect of [Parts 2 and 3](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#), and
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under [section 4](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) to give the acquiring authority information about the person's name, address and interest in land, using a form set out in the notice.

(4) The statement referred to in subsection (3)(a) must be the same as the relevant statement prescribed under—

- (a) [section 15\(4\)\(e\)](#) of the [Acquisition of Land Act 1981](#), where the determination was made following an application, or
- (b) [paragraph 6\(4\)\(e\) of Schedule 1](#) to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(5) The form mentioned in subsection (3)(b) must be the same as the relevant form that is prescribed under—

- (a) [section 15\(4\)\(f\)](#) of the [Acquisition of Land Act 1981](#), where the determination was made following an application, or
- (b) [paragraph 6\(4\)\(f\) of Schedule 1](#) to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(6) The acquiring authority must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

(7) For the purposes of subsections (4) and (5), a statement or a form is “relevant”—

- (a) where the order under [section 1](#) or [3](#) is made by the Welsh Ministers, if it was prescribed by the Welsh Ministers, or
- (b) where the order under [section 1](#) or [3](#) is made by the Secretary of State, if it was prescribed by the Secretary of State.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(8) In this section—

the “*acquiring authority*” means the person authorised to carry out the compulsory acquisition, and

the “*appropriate national authority*” means—

- (a) where an order authorises the compulsory acquisition of land wholly in England, the Secretary of State,
- (b) where an order authorises the compulsory acquisition of land in both England and Wales, the Secretary of State, and
- (c) where an order authorises the compulsory acquisition of land wholly in Wales, the Welsh Ministers.

] ¹

Notes

- ¹ Added by Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017/16 [Sch.1 para.5\(1\)](#) (February 2, 2017: insertion applies only where the Secretary of State or the Welsh Ministers determine to make an order under 1992 c.42 s.1 or 3 after February 2, 2017)

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for
making orders > s. 14A Compulsory acquisition: notice requirements*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 15 Assimilation of procedures.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Procedure; Regulations; Variation

15.— Assimilation of procedures.

(1) This section applies to applications made under [section 6](#) above relating to proposals for the purposes of which the giving of a consent, permission or licence under any enactment, or the making or confirmation of an order under any enactment, is required.

(2) The Secretary of State may make regulations for securing that, where the requirement referred to in subsection (1) above would not be removed by the order to which the application relates—

- (a) the procedure for obtaining, or otherwise relating to, the consent, permission, licence, order or confirmation, and
- (b) the procedure relating to the application made under section 6 above,

are wholly or partly assimilated (and in particular that proceedings relating to the one may be held concurrently with proceedings relating to the other).

(3) Regulations under this section may include provision—

- (a) excluding or modifying the application of any enactment;
- (b) authorising the Secretary of State to give directions or take such other steps as may be appropriate for the purpose of securing the object mentioned in subsection (2) above.

(4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) This section shall apply to proposals by the Secretary of State to make orders by virtue of [section 7](#) above as it applies to applications under section 6 above.

*Part I ORDERS AUTHORISING WORKS ETC > Consents etc
under other enactments > s. 15 Assimilation of procedures.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 16 Town and country planning.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

16.— Town and country planning.

(1) In [section 90](#) of the [Town and Country Planning Act 1990](#) (which gives power to deem planning permission to be granted in certain cases where development is authorised by a government department) after [subsection \(2\)](#) there shall be inserted—

“

(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

”

(2) In [Schedule 13](#) to the Town and Country Planning Act 1990 (blighted land) after [paragraph 22](#) there shall be added—

“

23.

Land—

(a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or

(b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or

(c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land.

”

*Part I ORDERS AUTHORISING WORKS ETC > Consents etc
under other enactments > s. 16 Town and country planning.*

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 17 Listed buildings and conservation areas.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

17. Listed buildings and conservation areas.

In [section 12](#) of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), after [subsection \(3\)](#) there shall be inserted—

“(3A) An application for listed building consent shall, without any direction by the Secretary of State, be referred to the Secretary of State instead of being dealt with by the local planning authority in any case where the consent is required in consequence of proposals included in an application for an order under section 1 or 3 of the Transport and Works Act 1992.”

*Part I ORDERS AUTHORISING WORKS ETC > Consents etc under
other enactments > s. 17 Listed buildings and conservation areas.*

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 18 Hazardous substances.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

18. Hazardous substances.

In [section 12](#) of the [Planning \(Hazardous Substances\) Act 1990](#) (which gives power to deem hazardous substances consent to be granted in certain cases) after [subsection \(2\)](#) there shall be inserted—

“

(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes any provision that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the Secretary of State may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

”

Part I ORDERS AUTHORISING WORKS ETC > Consents etc under other enactments > s. 18 Hazardous substances.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 19 Coast Protection Act 1949.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

19. Coast Protection Act 1949.

In [section 35](#) of the [Coast Protection Act 1949](#) (which excepts certain operations from the requirement to obtain the Secretary of State's consent under section 34) in [subsection \(1\)](#) there shall be added after [paragraph \(g\)](#)—

“

(h) any operations authorised by an order under section 1 or 3 of the Transport and Works Act 1992.

”

*Part I ORDERS AUTHORISING WORKS ETC > Consents
etc under other enactments > s. 19 Coast Protection Act 1949.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 20 Power to apply for, or object to, orders.



Law In Force

Version 5 of 5

2 July 2012 - Present

Subjects

Transport

Keywords

Authorised persons; Conditions; Opposition; Powers rights and duties

20.— Power to apply for, or object to, orders.

(1) A body which has power to promote or power to oppose Bills in Parliament shall also have power to apply for, or as the case may be power to object to, orders under [sections 1](#) and [3](#) above.

(2) Where the power of a body to promote or to oppose Bills is subject to any condition, then, except as provided by subsection (3) [or (4)] ¹ below, the corresponding power conferred on the body by subsection (1) above shall be subject to the like condition.

[...] ² [

(4) In the case of Transport for London—

- (a) the powers conferred by subsection (1) above shall be exercisable with the written consent of the Mayor of London; and
- (b) subsection (2) above shall not have effect.

] ³

Notes

¹ Words added by Greater London Authority Act 1999 c. 29 [Pt IV c.II s.168\(2\)](#) (July 3, 2000)

² Repealed by British Waterways Board (Transfer of Functions) Order 2012/1659 [Sch.3\(1\) para.12\(3\)](#) (July 2, 2012) subject to transitional provisions and savings specified in SI 2012/1659 arts 5 and 6)

³ Added by Greater London Authority Act 1999 c. 29 [Pt IV c.II s.168\(3\)](#) (July 3, 2000)

*Part I ORDERS AUTHORISING WORKS ETC > Consents etc under
other enactments > s. 20 Power to apply for, or object to, orders.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 21 Transport Consultative Committees.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

21.— Transport Consultative Committees.

(1) In [section 56](#) of the [Transport Act 1962](#) (which establishes a Central Transport Consultative Committee and Area Transport Users Consultative Committees) after [subsection \(6\)](#) there shall be inserted—

“

(6A) An Area Committee may consider, and if they think fit object to, any proposal for the discontinuance of railway services made in an application for an order under section 1 of the Transport and Works Act 1992 or made by the Secretary of State by virtue of section 7 of that Act.

”

(2) In [section 41](#) of the [London Regional Transport Act 1984](#) (which provides for the London Regional Passenger Committee to be treated as an Area Transport Users Consultative Committee for certain purposes) in [...] ¹ for “(7)” there shall be substituted “(6A)”.

Notes

¹ Subsection (2)(c)

*Part I ORDERS AUTHORISING WORKS ETC > Consents etc
under other enactments > s. 21 Transport Consultative Committees.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 22 Validity of orders under section 1 or 3.



Law In Force

Version 2 of 2

1 November 2007 - Present

Subjects

Transport

Keywords

Transport and works orders; Validity

22.— Validity of orders under section 1 or 3.

(1) If a person aggrieved by an order under [section 1](#) or [3](#) above desires to question the validity of it, or of any provision contained in it, on the ground—

(a) that it is not within the powers of this Act, or

(b) that any requirement imposed by or under this Act or the [[Tribunals and Inquiries Act 1992](#)]¹ has not been complied with,

he may, within the period of 42 days beginning with the day on which the notice required by [section 14\(1\)\(b\)](#) above is published, make an application for the purpose to the High Court.

(2) On any such application, the court—

(a) may by interim order suspend the operation of the order, or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings, and

(b) if satisfied that the order or any provision contained in it is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement imposed by or under this Act or the Tribunals and Inquiries Act [1992]¹, may quash the order or any provision contained in it, either generally or in so far as it affects any property of the applicant.

(3) Subject to subsections (1) and (2) above, an order under section 1 or 3 above shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

Notes

¹ Word substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Sch.8 para.21](#) (November 1, 2007)

Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous > s. 22 Validity of orders under section 1 or 3.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 23 Exercise of Secretary of State's functions by appointed person.



Law In Force

Version 13 of 13

8 December 2021 - Present

Subjects

Transport

Keywords

Delegated powers; Ministers' powers and duties; Transport; Transport and works orders

23.— Exercise of Secretary of State's functions by appointed person.

(1) The Secretary of State may by regulations prescribe classes of application which are to be dealt with by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.

(2) The Secretary of State may if he thinks fit direct that an application which would otherwise fall to be determined by an appointed person shall be determined by the Secretary of State.

(3) Subject to subsection (4) below, a person appointed under this section shall have in relation to the application—

(a) the same powers and duties as the Secretary of State has under [sections 1 and 3](#) above, and

(b) such other powers and duties conferred on the Secretary of State under or by virtue of this Part of this Act as may be specified in the regulations;

and for that purpose any reference in any Act or instrument (including this Act and any instrument made under it) to the Secretary of State, or to anything done or authorised or required to be done by or to the Secretary of State, shall be construed, so far as the context permits and subject to regulations under this section, as a reference to that person.

(4) An order made on an application dealt with by a person appointed under this section shall not authorise the compulsory acquisition of land, or the compulsory creation or extinguishment of rights over land (including rights of navigation over water).

(5) Where an application has been dealt with by a person appointed under this section, any order made by him under section 1 or 3 shall be treated as made by the Secretary of State.

(6) At any time before the appointed person has determined the application the Secretary of State may—

(a) revoke his appointment, and

(b) appoint another person under subsection (1) above to deal with the application instead;

and where such a new appointment is made the consideration of the application shall begin afresh, except to the extent that regulations under this section provide otherwise.

(7) If the Secretary of State exercises the power conferred on him by subsection (6)(a) above, he shall give reasons to the appointed person for revoking his appointment.

(8) Regulations under this section may provide for the giving of publicity to any directions given by the Secretary of State under subsection (2) above and to any appointment made by virtue of subsection (6) above.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(9) The [Tribunals and Inquiries Act 1992]¹ shall apply to a local inquiry or other hearing by a person appointed under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in [section 10(1)]² of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.

[...]³

(10) Where a person appointed under this section is an officer of [[the Department for Levelling Up, Housing and Communities]⁵, the Department for Transport]⁴, [the Department for Business, Energy and Industrial Strategy]⁶ or the Welsh Office, his functions shall be treated for the purposes of the Parliamentary Commissioner Act 1967—[

(a) if he was appointed by the Secretary of State for the time being having general responsibility in transport matters in relation to England, as functions of the Department for Transport;

(b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of [the Department for Levelling Up, Housing and Communities]⁵ ;

] ⁷

(c) if he was appointed by the Secretary of State for the time being having general responsibility in energy matters, as functions of [the Department for Business, Energy and Industrial Strategy]⁶ ;

(d) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

(11) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Notes

- 1 Word substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 Sch.8 para.22(2)(a) (November 1, 2007)
- 2 Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 Sch.8 para.22(2)(b) (November 1, 2007)
- 3 Repealed by Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013/2042 Sch.1 para.9 (August 19, 2013)
- 4 Words substituted by Transfer of Functions (Transport, Local Government and the Regions) Order 2002/2626 Sch.2 para.20(a) (November 25, 2002)
- 5 Words substituted by Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021/1265 Sch.2(1) para.10 (December 8, 2021)
- 6 Words substituted by Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016/992 Sch.1(1) para.6 (November 9, 2016)
- 7 S.23(10)(a)-(b) substituted for s.23(10)(a) by Transfer of Functions (Transport, Local Government and the Regions) Order 2002/2626 Sch.2 para.20(b) (November 25, 2002)

*Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous >
s. 23 Exercise of Secretary of State's functions by appointed person.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 24 Private legislation procedure in Scotland.



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

24. Private legislation procedure in Scotland.

In [section 1](#) of the [Private Legislation Procedure \(Scotland\) Act 1936](#) (which requires the promotion of Provisional Orders rather than Private Bills in connection with powers relating to Scotland), in [subsection \(4\)](#) (which provides an exception from the requirement in certain cases relating to Scotland and elsewhere if the promotion of a Private Bill would be more appropriate than the promotion of a Private Bill and a Provisional Order) after the words “Provisional Order” there shall be inserted the words “(or a Provisional Order and an order under section 1 or 3 of the Transport and Works Act 1992)”.

Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous > s. 24 Private legislation procedure in Scotland.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 25 Crown land.



Law In Force

Version 2 of 2

1 April 2017 - Present

Subjects

Transport

Keywords

Crown Estate

25.— Crown land.

(1) If the appropriate authority agrees—

(a) an interest which—

(i) subsists in land in which there is a Crown or Duchy interest, but

(ii) is not itself a Crown or Duchy interest,

may be acquired compulsorily by virtue of an order under [section 1](#) or [3](#) above, and

(b) any provision of this Act or of such an order (other than a provision by virtue of which an interest in land is compulsorily acquired) may apply in relation to land in which there is a Crown or Duchy interest.

(2) In this section “*Crown or Duchy interest*” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

(3) In this section “*the appropriate authority*” means—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

(b) in the case of other land belonging to Her Majesty in right of the Crown, the government department having the management of the land [or the relevant person] ¹ ;

(c) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(d) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.

[

(3A) In subsection (3), “*relevant person*”, in relation to any land to which [section 90B\(5\)](#) of the [Scotland Act 1998](#) applies, means the person who manages that land.

] ²

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(4) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Notes

- 1 Words inserted by Crown Estate Transfer Scheme 2017/524 [Sch.5\(1\) para.25\(a\)](#) (April 1, 2017)
 - 2 Added by Crown Estate Transfer Scheme 2017/524 [Sch.5\(1\) para.25\(b\)](#) (April 1, 2017)
-

Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous > s. 25 Crown land.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 26 Transport systems to which Chapter I applies.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Transport

Keywords

Public transport; Transport policy

26.— Transport systems to which Chapter I applies.

- (1) This Chapter applies to transport systems of any of the following kinds—
- (a) a railway;
 - (b) a tramway;
 - (c) a system which uses another mode of guided transport and is specified for the purposes of this Chapter by an order made by the Secretary of State.
- (2) This Chapter shall not apply to a transport system unless it is used, or is intended to be used, wholly or partly for the carriage of members of the public.
- (3) The power to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Preliminary > s. 26 Transport systems to which Chapter I applies.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 27 Offences involving drink or drugs on transport systems.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Criminal law; Transport

Keywords

Drugs; Intoxication; Transport offences; Workers

27.— Offences involving drink or drugs on transport systems.

(1) If a person works on a transport system to which this Chapter applies—

(a) as a driver, guard, conductor or signaller or in any other capacity in which he can control or affect the movement of a vehicle, or

(b) in a maintenance capacity or as a supervisor of, or look-out for, persons working in a maintenance capacity,

when he is unfit to carry out that work through drink or drugs, he shall be guilty of an offence.

(2) If a person works on a transport system to which this Chapter applies—

(a) as a driver, guard, conductor or signaller or in any other capacity in which he can control or affect the movement of a vehicle, or

(b) in a maintenance capacity or as a supervisor of, or look-out for, persons working in a maintenance capacity,

after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit, he shall be guilty of an offence.

(3) For the purposes of this section, a person works on a transport system in a maintenance capacity if his work on the system involves maintenance, repair or alteration of—

(a) the permanent way or other means of guiding or supporting vehicles,

(b) signals or any other means of controlling the movement of vehicles, or

(c) any means of supplying electricity to vehicles or to the means of guiding or supporting vehicles,

or involves coupling or uncoupling vehicles or checking that they are working properly before they are used on any occasion.

(4) For the purposes of subsection (1) above, a person shall be taken to be unfit to carry out any work if his ability to carry out that work properly is for the time being impaired.

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Principal offences > s. 27 Offences involving drink or drugs on transport systems.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 28 Offences by operators of transport systems.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Criminal law; Transport

Keywords

Employers' liability; Transport offences; Transport operators

28.— Offences by operators of transport systems.

- (1) If a person commits an offence under [section 27](#) above, the responsible operator shall also be guilty of an offence.
- (2) In this section “*the responsible operator*” means —
 - (a) in a case where the transport system on which the offence under section 27 above is committed has only one operator, that operator;
 - (b) in a case where the transport system on which the offence under section 27 above is committed has more than one operator, whichever of them is responsible for the work giving rise to the offence.
- (3) No offence is committed under subsection (1) above if the responsible operator has exercised all due diligence to prevent the commission on the transport system of any offence under section 27 above.
- (4) If a person commits an offence under section 27 above in the course of his employment with a person other than the responsible operator, his employer shall (without prejudice to any liability of that operator under subsection (1) above) also be guilty of an offence.
- (5) No offence is committed under subsection (4) above if the employer has exercised all due diligence to prevent the commission on the transport system by any of his employees of any offence under section 27 above.

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Principal offences > s. 28 Offences by operators of transport systems.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 29 Breath tests.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Transport

Keywords

Breath tests; Police powers and duties; Transport offences

29.— Breath tests.

(1) Where a constable in uniform has reasonable cause to suspect—

- (a) that a person working on a transport system to which this Chapter applies in any capacity mentioned in [section 27\(1\) and \(2\)](#) above has alcohol in his body, or
- (b) that a person has been working on a transport system to which this Chapter applies in any capacity mentioned in section 27(1) and (2) above with alcohol in his body and still has alcohol in his body,

he may require that person to provide a specimen of breath for a breath test.

(2) Where an accident or dangerous incident occurs on a transport system to which this Chapter applies, a constable in uniform may require a person to provide a specimen of breath for a breath test if he has reasonable cause to suspect that—

- (a) at the time of the accident or incident that person was working on the transport system in a capacity mentioned in section 27(1) and (2) above, and
- (b) an act or omission of that person while he was so working may have been a cause of the accident or incident.

(3) In subsection (2) above “*dangerous incident*” means an incident which in the constable's opinion involved a danger of death or personal injury.

(4) A person may be required under subsection (1) or subsection (2) above to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) above and the constable making the requirement thinks fit, at a police station specified by the constable.

(5) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section shall be guilty of an offence.

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES
INVOLVING DRINK OR DRUGS > Police powers etc > s. 29 Breath tests.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 30 Powers of arrest and entry.



Law In Force

Version 2 of 2

1 January 2006 - Present

Subjects
Transport

England and Wales

[

30.— Powers of arrest and entry.

(1) [...]

(2) A constable may arrest a person without warrant if—

(a) as a result of a breath test under [section 29](#) above he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or

(b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of section 29 above and the constable has reasonable cause to suspect that he has alcohol in his body.

(3) [...]¹

(4) A constable may, for the purpose of—

(a) requiring a person to provide a specimen of breath under [section 29\(2\)](#) above in the case of an accident which the constable has reasonable cause to suspect involved the death of, or injury to, another person, or

(b) arresting a person in such a case under subsection (2) above,

enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

]¹

Scotland

30.— Powers of arrest and entry.

- (1) A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under [section 27\(1\)](#) above.
- (2) A constable may arrest a person without warrant if—
- (a) as a result of a breath test under [section 29](#) above he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of section 29 above and the constable has reasonable cause to suspect that he has alcohol in his body.

(3) For the purpose of arresting a person under subsection (1) above, a constable may enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

(4) A constable may, for the purpose of—

(a) requiring a person to provide a specimen of breath under [section 29\(2\)](#) above in the case of an accident which the constable has reasonable cause to suspect involved the death of, or injury to, another person, or

(b) arresting a person in such a case under subsection (2) above,

enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

Notes

- ¹ Repealed subject to transitory provisions specified in SI 2005/3495 art.2(2) by Serious Organised Crime and Police Act 2005 c. 15 [Sch.17\(2\) para.1](#) (January 1, 2006: repeal has effect subject to transitory provisions specified in SI 2005/3495 art.2(2))
-

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING
DRINK OR DRUGS > Police powers etc > s. 30 Powers of arrest and entry.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 31 Provision of specimens for analysis.



Law In Force

Version 5 of 5

10 April 2015 - Present

Subjects

Transport

Keywords

Breath samples; Compliance; Specimen tests; Transport offences

31.— Provision of specimens for analysis.

(1) In the course of an investigation into whether a person has committed an offence under [section 27](#) above, a constable may require him—

- (a) to provide two specimens of breath for analysis by means of a device of a type approved by the Secretary of State, or
- (b) to provide a specimen of blood or urine for a laboratory test.

[

(2) A constable may make a requirement under this section to provide specimens of breath only if—

- (a) the requirement is made at a police station or a hospital, or
- (b) the constable is in uniform.

] ¹

(3) A requirement under this section to provide a specimen of blood or urine shall only be made at a police station or at a hospital; and it shall not be made at a police station unless subsection (4) below applies.

(4) This subsection applies if—

- (a) the constable making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required,
- (b) at the time the requirement is made, either a device (or reliable device) of the type mentioned in subsection (1)(a) above is not available at the police station or it is for any other reason not practicable to use such a device there, [...] ²

[

(bb) a device of the type mentioned in [subsection \(1\)\(a\)](#) above has been used at the police station but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or.

] ²

(c) the suspected offence is one under [section 27\(1\)](#) above and the constable making the requirement has been advised by a medical practitioner [or a registered health care professional] ³ that the condition of the person required to provide the specimen might be due to a drug.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(5) A person may be required to provide a specimen of blood or urine in pursuance of this section notwithstanding that he has already provided or been required to provide two specimens of breath.

(6) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section, the question whether it is to be a specimen of blood or a specimen of urine [and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (6A)) by the constable making the requirement]⁴.

[

(6A) Where a constable decides for the purposes of subsection (6) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner,

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.

] ⁵

(7) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

[

(7A) A constable may arrest a person without warrant if—

(a) the person fails to provide a specimen of breath when required to do so in pursuance of this section, and

(b) the constable reasonably suspects that the person has alcohol in his body.

] ⁶

(8) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section shall be guilty of an offence.

(9) A constable shall, on requiring a person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

[...] ⁷

Notes

- 1 Substituted by Deregulation Act 2015 c. 20 [Sch.11\(1\) para.4\(2\)](#) (April 10, 2015)
- 2 Words omitted by Criminal Procedure and Investigations Act 1996 c. 25 [Pt VII s.63\(2\)](#) (April 1, 1997: repeal has effect where it is proposed to make a requirement mentioned in 1988 c.52 s.7(3) or 1992 c.42 s.31(3) on or after April 1, 1997)
- 3 Words inserted by Deregulation Act 2015 c. 20 [Sch.11\(1\) para.6\(a\)](#) (April 10, 2015)
- 4 Words substituted by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(1\)](#) (April 1, 2003)
- 5 Added by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(2\)](#) (April 1, 2003)
- 6 Added by Deregulation Act 2015 c. 20 [Sch.11\(1\) para.4\(3\)](#) (April 10, 2015)

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

7 Repealed by Deregulation Act 2015 c. 20 [Sch.11\(1\)](#) [para.6\(b\)](#) (April 10, 2015)

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK
OR DRUGS > Police powers etc > s. 31 Provision of specimens for analysis.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 31A Specimens of blood taken from persons incapable of consenting



Law In Force

Version 2 of 2

10 April 2015 - Present

Subjects

Transport

Keywords

Blood samples; Criminal investigations; Transport offences

[

31A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to [a medical or health care practitioner]² for him to take a specimen of blood from a person ('the person concerned') irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under [section 33](#)) be entitled under [section 31](#) to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in—

(i) an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter; or

(ii) a dangerous incident (within the meaning given by [section 29\(3\)](#)) that constitutes or is comprised in that matter or those circumstances;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to [a medical or health care practitioner]² who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to [a practitioner other than a police medical or health care practitioner]³ unless—

(i) it is not reasonably practicable for the request [to be made to a police medical or health care practitioner]⁴; or

(ii) it is not reasonably practicable for such a [...] ⁵ practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for [a medical or health care practitioner]⁶ to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission, may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

[

(7) In this section—

“medical or health care practitioner” means a medical practitioner or a registered health care professional;

“police medical or health care practitioner” means a medical practitioner, or a registered health care professional, who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.

]]¹

Notes

- 1 Added by Police Reform Act 2002 c. 30 Pt 4 c.2 s.58(4) (October 1, 2002)
- 2 Words substituted by Deregulation Act 2015 c. 20 Sch.11(1) para.12(2) (April 10, 2015)
- 3 Words substituted by Deregulation Act 2015 c. 20 Sch.11(1) para.12(3) (April 10, 2015)
- 4 Words substituted by Deregulation Act 2015 c. 20 Sch.11(1) para.12(4) (April 10, 2015)
- 5 Word repealed by Deregulation Act 2015 c. 20 Sch.11(1) para.12(5) (April 10, 2015)
- 6 Words substituted by Deregulation Act 2015 c. 20 Sch.11(1) para.12(6) (April 10, 2015)
- 7 Substituted by Deregulation Act 2015 c. 20 Sch.11(1) para.12(7) (April 10, 2015)

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS
> Police powers etc > s. 31A Specimens of blood taken from persons incapable of consenting*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 32 Breath specimen showing higher alcohol level to be disregarded



Law In Force

Version 2 of 2

10 April 2015 - Present

Subjects

Transport

Keywords

Breath samples

32.— [Breath specimen showing higher alcohol level to be disregarded]¹

(1) Of any two specimens of breath provided by a person in pursuance of [section 31](#) above, the one with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

[...]²

Notes

¹ Heading substituted by Deregulation Act 2015 c. 20 [Sch.11\(1\) para.2\(2\)](#) (April 10, 2015)

² Repealed by Deregulation Act 2015 c. 20 [Sch.11\(1\) para.2\(1\)](#) (April 10, 2015)

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS
> Police powers etc > s. 32 Breath specimen showing higher alcohol level to be disregarded*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 33 Protection for hospital patients.



Law In Force

Version 2 of 2

1 October 2002 - Present

Subjects

Transport

Keywords

Hospital in-patients; Specimen tests

33.— Protection for hospital patients.

(1) While a person is at a hospital as a patient, he shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and—

- (a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but
- (b) if the medical practitioner objects on the ground specified in subsection (2) below, the requirement shall not be made.

[

(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under [section 31A](#) of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—

- (a) has been notified of the proposal to take the specimen or to make the requirement; and
- (b) has not objected on the ground specified in subsection (2).

(2) The ground on which the medical practitioner may object is—

- (a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by [section 31\(9\)](#) of this Act would be prejudicial to the proper care and treatment of the patient; and
- (b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by [section 31A\(5\)](#) of this Act would be so prejudicial.

] ¹

- (3) A person shall not be arrested under [section 30\(2\)](#) above while he is at a hospital as a patient.

Notes

¹ S.33(1A)-(2) substituted for s.33(2) by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(5\)](#) (October 1, 2002)

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING
DRINK OR DRUGS > Police powers etc > s. 33 Protection for hospital patients.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 34 Use of specimens in proceedings.



Law In Force

Version 2 of 2

1 October 2002 - Present

Subjects

Transport

Keywords

Admissibility; Criminal evidence; Specimen tests

34.— Use of specimens in proceedings.

(1) In proceedings for any offence under [section 27](#) above—

- (a) evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by [or taken from] ¹ the accused shall be taken into account, and
- (b) it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen.

(2) That assumption shall not be made if the accused proves—

- (a) that he consumed alcohol before he provided the specimen [or had it taken from him] ² and after he had stopped work on the occasion of the alleged offence, and
- (b) that, had he not done so, the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, where the offence alleged is an offence of being unfit to carry out the work in question through drink, would not have been such as to impair his ability to carry out that work properly.

(3) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible in the proceedings on behalf of the prosecution unless—

- (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and
- (b) the other part was supplied to the accused.

[

(3A) Where a specimen of blood was taken from the accused under [section 31A](#), evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution in the proceedings unless—

- (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
- (b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.

] ³

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 1 Words inserted by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(6\)](#) (October 1, 2002)
 - 2 Words inserted by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(7\)](#) (October 1, 2002)
 - 3 Added by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(8\)](#) (October 1, 2002)
-

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS
> Evidence in proceedings for offences under section 27 > s. 34 Use of specimens in proceedings.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 35 Documentary evidence as to specimens.



Law In Force

Version 3 of 3

28 June 2022 - Present

Subjects

Criminal evidence; Transport

Keywords

Admissibility; Documentary evidence; Service; Specimen tests

35.— Documentary evidence as to specimens.

(1) In proceedings for any offence under [section 27](#) above, evidence of the proportion of alcohol in a specimen of breath may be given by the production of a document (or documents) purporting to be—

- (a) a statement automatically produced by the device by which the proportion of alcohol in the specimen was measured, and
- (b) a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the specimen was provided by the accused at the date and time shown in the statement.

(2) In such proceedings, evidence of the proportion of alcohol or a drug in a specimen of blood or urine may be given by the production of a document purporting to be a certificate signed by an authorised analyst identifying the specimen and stating the proportion of alcohol or drug found in it.

(3) In such proceedings, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner [or a registered health care professional] ¹ may be given by the production of a document purporting to be a certificate to that effect signed by the practitioner [or a registered health care professional] ¹ .

(4) A document such as is mentioned in subsection (1) above shall be admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either was handed to the accused when the document was produced or was served on him not later than seven days before the hearing.

(5) A document such as is mentioned in subsection (2) or (3) above shall be admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it was served on the accused not later than seven days before the hearing.

(6) A document purporting to be a certificate (or so much of a document as purports to be a certificate) shall not be admissible in evidence on behalf of the prosecution in pursuance of this section if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(7) In this section “*served*” means [, in relation to proceedings in England and Wales, served in accordance with Criminal Procedure Rules or, otherwise,] ² served personally or sent by registered post or recorded delivery service.

(8) In subsection (2) above “*authorised analyst*” means—

- (a) any person possessing the qualifications prescribed by regulations made under [section 76](#) of the [Food Act 1984](#) or [section 27](#) of the [Food and Drugs \(Scotland\) Act 1956](#) as qualifying persons for appointment as public analysts under those Acts, or
- (b) any other person authorised by the Secretary of State to make analyses for the purposes of this section.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 1 Words inserted by Police Reform Act 2002 c. 30 [Pt 4 c.2 s.58\(9\)](#) (April 1, 2003)
 - 2 Words inserted by Judicial Review and Courts Act 2022 c. 35 [Sch.1 para.12](#) (June 28, 2022)
-

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Evidence in proceedings for offences under section 27 > s. 35 Documentary evidence as to specimens.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 36 Penalties.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Transport

Keywords

Penalties; Transport offences

36.— Penalties.

(1) A person guilty of any offence under this Chapter other than an offence under [section 29\(5\)](#) above shall be liable on summary conviction to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale or to both.

(2) A person guilty of an offence under section 29(5) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES
INVOLVING DRINK OR DRUGS > Penalties > s. 36 Penalties.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 37 Special provision for Scotland.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Transport

Keywords

Constables

37.— Special provision for Scotland.

(1) [Section 30\(3\) and \(4\)](#) above shall not extend to Scotland, and nothing in those subsections shall affect any rule of law in Scotland concerning the right of a constable to enter any premises for any purpose.

(2) In proceedings for any offence under [section 27](#) above in Scotland—

(a) a document produced in evidence on behalf of the prosecution in pursuance of [section 35](#) above and, where the person by whom the document was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the document, and

(b) a written execution purporting to be signed by the person who handed to or served on the accused or the prosecutor a copy document or notice under section 35 above, together with, where appropriate, a post office receipt for the relevant registered or recorded delivery letter, shall be sufficient evidence of the handing or service of the copy document or notice.

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Miscellaneous and supplementary > s. 37 Special provision for Scotland.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 38 Interpretation of Chapter I.



Law In Force

Version 4 of 4

10 April 2015 - Present

Subjects

Transport

Keywords

Interpretation; Public transport; Rail safety

38.— Interpretation of Chapter I.

(1) In this Chapter—

“*breath test*” means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Secretary of State, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit;

“*drug*” includes any intoxicant other than alcohol;

“*fail*” includes refuse;

“*hospital*” means an institution which provides medical or surgical treatment for in-patients or out-patients.

(2) In this Chapter “*the prescribed limit*” means , as the case may require—

(a) 35 microgrammes of alcohol in 100 millilitres of breath,

(b) 80 milligrammes of alcohol in 100 millilitres of blood, or

(c) 107 milligrammes of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations made by the Secretary of State.

[

(2A) In this Chapter “*registered health care professional*” means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

(2B) A health care profession is any profession mentioned in [section 60\(2\)](#) of the [Health Act 1999 \(c. 8\)](#) other than the profession of practising medicine and the profession of nursing.

(2C) An order under subsection (2A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

] ¹

(3) For the purposes of this Chapter, it is immaterial whether a person who works on a transport system does so in the course of his employment, under a contract for services, voluntarily or otherwise.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(4) For the purposes of this Chapter, a person does not provide a specimen of breath for a breath test or for analysis unless the specimen—

- (a) is sufficient to enable the test or the analysis to be carried out, and
- (b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

[

(5) For the purposes of this Chapter, a person provides a specimen of blood if and only if—

- (a) he consents to the taking of such a specimen from him; and
- (b) the specimen is taken from him [...] ³ either by a medical practitioner or by a registered health care professional.

] ²

(6) The power to make regulations under subsection (2) above shall be exercisable by statutory instrument; and no such regulations shall be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.

Notes

- ¹ Added by Police Reform Act 2002 c. 30 Pt 4 c.2 s.58(10) (October 1, 2002 for the purpose of making regulations or orders; April 1, 2003 otherwise)
- ² Substituted by Police Reform Act 2002 c. 30 Pt 4 c.2 s.58(11) (April 1, 2003)
- ³ Words repealed by Deregulation Act 2015 c. 20 Sch.11(1) para.13 (April 10, 2015)

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Miscellaneous and supplementary > s. 38 Interpretation of Chapter I.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 39 Amendment of scope of offences involving drink or drugs under Road Traffic Act 1988.



Law In Force

Version 1 of 1

7 December 1992 - Present

Subjects

Transport

39. Amendment of scope of offences involving drink or drugs under Road Traffic Act 1988.

The following section shall be inserted in the [Road Traffic Act 1988](#) after [section 192](#)—

192A.— “Tramcars and other guided vehicles: drink and drugs.

(1) Sections 4 to 11 of this Act shall not apply (to the extent that apart from this subsection they would) to vehicles on any transport system to which Chapter I of Part II of the Transport and Works Act 1992 (offences involving drink or drugs on railways, tramways and certain other guided transport systems) applies.

(2) Subject to subsection (1) above, the Secretary of State may by regulations provide that sections 4 to 11 of this Act shall apply to vehicles on a system of guided transport specified in the regulations with such modifications as he considers necessary or expedient.

(3) Regulations under subsection (2) above may make different provision for different cases.

(4) In this section—

“*guided transport*” means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way), and

“*vehicle*” includes mobile traction unit.”

Part II SAFETY OF RAILWAYS ETC > Chapter I OFFENCES INVOLVING DRINK OR DRUGS > Miscellaneous and supplementary > s. 39 Amendment of scope of offences involving drink or drugs under Road Traffic Act 1988.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 41 Approval of works, plant and equipment.



Law In Force

Version 2 of 2

1 April 2006 - Present

Subjects

Transport

Keywords

Approvals; Equipment; Fines; Offences; Regulations

41.— Approval of works, plant and equipment.

(1) For the purpose of securing the safe operation of railways, tramways, trolley vehicle systems and prescribed systems of guided transport, the Secretary of State may make regulations requiring that [the approval of a specified authority]¹ be obtained before—

- (a) new works, plant or equipment are first brought into use, or
- (b) works, plant or equipment are first brought into use after alterations have been made to them.

(2) Regulations under this section—

- (a) shall prescribe the cases in which approval is required and the procedure for obtaining it;
- (b) may include provision as to the time when works, plant or equipment are to be treated as first brought into use, including provision for disregarding periods of testing and other periods of use before sufficient information is available for a decision to be made on an application for approval;
- (c) may include provision prohibiting the giving of false information to the [specified authority]².

(3) Regulations under this section may make different provision for different cases, and may include provision authorising the [specified authority]³ —

- (a) to dispense (conditionally or unconditionally) with compliance with regulations that would otherwise apply, or
- (b) to require compliance with regulations that would not otherwise apply,

either in the case of any particular works, plant, equipment or alterations, or in the case of works, plant, equipment or alterations of such descriptions as [it]⁴ may determine.

(4) Regulations under this section may provide that any person who without reasonable cause contravenes any specified provision of the regulations, or does so in specified circumstances, shall be guilty of an offence under this section.

(5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) In this section—

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

“*equipment*” includes vehicles;

“*prescribed systems of guided transport*” means systems using a mode of guided transport prescribed by regulations under this section [;]⁵

[

“*specified authority*” means such authority as may be specified in regulations under this section.

] ⁵

(8) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Notes

- 1 Words substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(2\)\(a\)](#) (April 1, 2006)
- 2 Words substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(2\)\(b\)](#) (April 1, 2006)
- 3 Words substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(2\)\(c\)\(i\)](#) (April 1, 2006)
- 4 Word substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(2\)\(c\)\(ii\)](#) (April 1, 2006)
- 5 Definition inserted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(2\)\(d\)](#) (April 1, 2006)

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > General > s. 41 Approval of works, plant and equipment.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 45 Directions limiting speeds and loads.



Law In Force

Version 2 of 2

1 April 2006 - Present

Subjects

Transport

Keywords

Cargo; Directions; Speed limits

45.— Directions limiting speeds and loads.

(1) The [relevant enforcing authority]¹ may give a direction under this section to any person carrying on an undertaking which includes the provision of transport services on a railway, tramway or system using any other mode of guided transport.

(2) A direction under this section may impose—

(a) maximum speeds at which vehicles in use on the system may travel, and

(b) maximum weights that may be transmitted to the rails (or other structures which support vehicles in use on the system) by any one pair of wheels, or by such other parts of the vehicles as may be specified in the direction.

(3) Directions under this section may make different provision for different vehicles, different parts of the system, or otherwise for different circumstances.

(4) Before giving a direction under this section, the [relevant enforcing authority]² shall consult the person to whom [that authority]³ proposes to give it.

(5) If a direction under this section is contravened in the course of the provision of transport services by the person to whom the direction was given, that person shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[

(7) In this section “*relevant enforcing authority*” means the enforcing authority responsible for the enforcement of the relevant statutory provisions in relation to the mode of transport to which the direction applies.

(8) In subsection (7)—

“*enforcing authority*” has the same meaning as in [section 18\(7\) \(a\) of the Health and Safety at Work etc. Act 1974](#);

“*relevant statutory provisions*” has the same meaning as in that Act.

] ⁴

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Notes

- 1 Words substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(3\)\(a\)](#) (April 1, 2006)
 - 2 Words substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(3\)\(b\)\(i\)](#) (April 1, 2006)
 - 3 Word substituted by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(3\)\(b\)\(ii\)](#) (April 1, 2006)
 - 4 Added by Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006/557 [Sch.1 para.1\(3\)\(c\)](#) (April 1, 2006)
-

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > General > s. 45 Directions limiting speeds and loads.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 46 Directions requiring insurance.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Keywords

Directions; Insurance; Transport operators

46.— Directions requiring insurance.

- (1) The Secretary of State may give a direction under this section to an operator of a railway, tramway, trolley vehicle system or system using any other mode of guided transport.
- (2) A direction under this section may require the person to whom it is given to ensure that there are at all times in force such policies of insurance against liability in respect of death or personal injury as comply with the requirements of the direction.
- (3) Before giving a direction under this section, the Secretary of State shall consult the person to whom he proposes to give it.
- (4) If a direction under this section is contravened, the person to whom the direction was given shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > General > s. 46 Directions requiring insurance.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 47 Stopping up and diversion of crossings.



Law In Force

Version 3 of 3

11 July 2006 - Present

Subjects

Transport

Keywords

Bridleways; Diversion of highways; Public paths; Stopping up

England

[

47.— Stopping up and diversion of crossings.

- (1) [Schedule 2](#) to this Act (which amends the Highways Act 1980 so as to provide for the stopping up or diversion of footpaths and bridleways crossing railways and tramways) shall have effect.
- (2) Where a public right of way over a footpath, bridleway or restricted byway where it crosses a railway or tramway is extinguished by an order under [sections 118 to 119A](#) of the [Highways Act 1980](#), any obligation (however imposed) to maintain the crossing for the benefit of the public shall cease to have effect.
- (3) “*Restricted byway*” has the same meaning as in [Part 2](#) of the Countryside and Rights of Way Act 2000.

]²

Scotland

47.— Stopping up and diversion of crossings.

- (1) [Schedule 2](#) to this Act (which amends the Highways Act 1980 so as to provide for the stopping up or diversion of footpaths and bridleways crossing railways and tramways) shall have effect.
- (2) Where a public right of way over a footpath or bridleway where it crosses a railway or tramway is extinguished by an order under [sections 118 to 119A](#) of the [Highways Act 1980](#), any obligation (however imposed) to maintain the crossing for the benefit of the public shall cease to have effect.

Wales

[

47.— Stopping up and diversion of crossings.

- (1) Schedule 2 to this Act (which amends the Highways Act 1980 so as to provide for the stopping up or diversion of footpaths and bridleways crossing railways and tramways) shall have effect.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(2) Where a public right of way over a footpath, bridleway or restricted byway where it crosses a railway or tramway is extinguished by an order under sections 118 to 119A of the Highways Act 1980, any obligation (however imposed) to maintain the crossing for the benefit of the public shall cease to have effect.

(3) “*Restricted byway*” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.

] ¹

Notes

- 1 Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 [Sch.1\(I\) para.1](#) (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)
 - 2 Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 [Sch.1\(I\) para.1](#) (July 2, 2006 in relation to England; July 11, 2006 otherwise)
-

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > Rail crossings > s. 47 Stopping up and diversion of crossings.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 48 Footpaths and bridleways over railways.



Law In Force

Version 4 of 4

11 July 2006 - Present

Subjects

Transport

Keywords

Bridleways; Diversion of highways; Footpaths; Railways

England

[

48.— Footpaths, bridleways and restricted byways over railways.

(1) This section applies where—

- (a) a public right of way over a footpath, bridleway or restricted byway crosses a railway or tramway otherwise than by a tunnel or bridge,
- (b) the operator of the railway or tramway has made a closure or diversion application in respect of the crossing, and
- (c) in the opinion of the Secretary of State the crossing constitutes a danger to members of the public using it or likely to use it.

(2) The Secretary of State may by order require the operator to provide a tunnel or a bridge, or to improve an existing tunnel or bridge, to carry the path or way over or under the railway or tramway at or reasonably near to the crossing to which the closure or diversion application relates.

(3) An order under this section may include particulars as to the tunnel or bridge which is to be provided or as to the improvements which are to be made.

(4) The Secretary of State shall not make an order under this section after the end of the period of two years beginning with the day on which the closure or diversion application is made, and not less than two months before making an order he shall give written notice of his proposal to make the order to the operator and to each local authority in whose area the crossing (or any proposed new crossing) is situated.

(5) A notice given under subsection (4) above must be accompanied by a draft of the proposed order under this section; and any order eventually made may include modifications of the draft.

(6) An operator shall not be regarded as in breach of a duty imposed by an order under this section if he has used his best endeavours to comply with the order.

(7) Where an operator is required by an order under this section to provide or improve a bridge or tunnel, but is unable to do so because he does not have the powers or rights (including rights over land) needed for the purpose, he shall not be taken to have used his best endeavours to comply with the order unless he has used his best endeavours to obtain those powers or rights (whether by means of an order under [section 1](#) above or otherwise).

(8) In this section—

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

“*bridleway*” has the same meaning as in the [Highways Act 1980](#);

“*closure or diversion application*” means —

- (a) an application made under [section 6](#) above, or
- (b) a request made in accordance with [section 120\(3A\)\(b\)](#) of the Highways Act 1980,

for an order by virtue of which a public right of way would be extinguished or diverted;

“*footpath*” has the same meaning as in the Highways Act 1980;

“*local authority*” means a county council, a district council, a London borough council, a county borough council, the Common Council of the City of London, a parish or community council and a parish meeting of a parish not having a separate parish council;

“*operator*”, in relation to a railway or tramway, means any person carrying on an undertaking which includes maintaining the permanent way.

“*restricted byway*” has the same meaning as in [Part 2](#) of the Countryside and Rights of Way Act 2000.

] ³

Scotland

48.— Footpaths and bridleways over railways.

(1) This section applies where—

- (a) a public right of way over a footpath or bridleway crosses a railway or tramway otherwise than by a tunnel or bridge,
- (b) the operator of the railway or tramway has made a closure or diversion application in respect of the crossing, and
- (c) in the opinion of the Secretary of State the crossing constitutes a danger to members of the public using it or likely to use it.

(2) The Secretary of State may by order require the operator to provide a tunnel or a bridge, or to improve an existing tunnel or bridge, to carry the path or way over or under the railway or tramway at or reasonably near to the crossing to which the closure or diversion application relates.

(3) An order under this section may include particulars as to the tunnel or bridge which is to be provided or as to the improvements which are to be made.

(4) The Secretary of State shall not make an order under this section after the end of the period of two years beginning with the day on which the closure or diversion application is made, and not less than two months before making an order he shall give written notice of his proposal to make the order to the operator and to each local authority in whose area the crossing (or any proposed new crossing) is situated.

(5) A notice given under subsection (4) above must be accompanied by a draft of the proposed order under this section; and any order eventually made may include modifications of the draft.

(6) An operator shall not be regarded as in breach of a duty imposed by an order under this section if he has used his best endeavours to comply with the order.

(7) Where an operator is required by an order under this section to provide or improve a bridge or tunnel, but is unable to do so because he does not have the powers or rights (including rights over land) needed for the purpose, he shall not be taken

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

to have used his best endeavours to comply with the order unless he has used his best endeavours to obtain those powers or rights (whether by means of an order under [section 1](#) above or otherwise).

(8) In this section—

“*bridleway*” has the same meaning as in the [Highways Act 1980](#);

“*closure or diversion application*” means —

- (a) an application made under [section 6](#) above, or
- (b) a request made in accordance with [section 120\(3A\)\(b\)](#) of the Highways Act 1980,

for an order by virtue of which a public right of way would be extinguished or diverted;

“*footpath*” has the same meaning as in the Highways Act 1980;

“*local authority*” means a county council, a district council, a London borough council, [a county borough council,]¹ the Common Council of the City of London, a parish or community council and a parish meeting of a parish not having a separate parish council;

“*operator*” , in relation to a railway or tramway, means any person carrying on an undertaking which includes maintaining the permanent way.

Wales

[

48.— Footpaths, bridleways and restricted byways over railways.

(1) This section applies where—

- (a) a public right of way over a footpath, bridleway or restricted byway crosses a railway or tramway otherwise than by a tunnel or bridge,
- (b) the operator of the railway or tramway has made a closure or diversion application in respect of the crossing, and
- (c) in the opinion of the Secretary of State the crossing constitutes a danger to members of the public using it or likely to use it.

(2) The Secretary of State may by order require the operator to provide a tunnel or a bridge, or to improve an existing tunnel or bridge, to carry the path or way over or under the railway or tramway at or reasonably near to the crossing to which the closure or diversion application relates.

(3) An order under this section may include particulars as to the tunnel or bridge which is to be provided or as to the improvements which are to be made.

(4) The Secretary of State shall not make an order under this section after the end of the period of two years beginning with the day on which the closure or diversion application is made, and not less than two months before making an order he shall give written notice of his proposal to make the order to the operator and to each local authority in whose area the crossing (or any proposed new crossing) is situated.

(5) A notice given under subsection (4) above must be accompanied by a draft of the proposed order under this section; and any order eventually made may include modifications of the draft.

(6) An operator shall not be regarded as in breach of a duty imposed by an order under this section if he has used his best endeavours to comply with the order.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(7) Where an operator is required by an order under this section to provide or improve a bridge or tunnel, but is unable to do so because he does not have the powers or rights (including rights over land) needed for the purpose, he shall not be taken to have used his best endeavours to comply with the order unless he has used his best endeavours to obtain those powers or rights (whether by means of an order under section 1 above or otherwise).

(8) In this section—

“*bridleway*” has the same meaning as in the Highways Act 1980;

“*closure or diversion application*” means —

(a) an application made under section 6 above, or

(b) a request made in accordance with section 120(3A)(b) of the Highways Act 1980,

for an order by virtue of which a public right of way would be extinguished or diverted;

“*footpath*” has the same meaning as in the Highways Act 1980;

“*local authority*” means a county council, a district council, a London borough council, a county borough council, the Common Council of the City of London, a parish or community council and a parish meeting of a parish not having a separate parish council;

“*operator*”, in relation to a railway or tramway, means any person carrying on an undertaking which includes maintaining the permanent way.

“*restricted byway*” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.

]²

Notes

- 1 Words inserted within definition by Local Government (Wales) Act 1994 c. 19 [Sch.7\(I\) para.34\(3\)](#) (April 1, 1996)
- 2 Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 [Sch.1\(I\) para.1](#) (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)
- 3 Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 [Sch.1\(I\) para.1](#) (July 2, 2006 in relation to England; July 11, 2006 otherwise)

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > Rail crossings > s. 48 Footpaths and bridleways over railways.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 49 Securing of gates and barriers.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

49.— Securing of gates and barriers.

- (1) [Section 75](#) of the [Railways Clauses Consolidation Act 1845](#) and [section 68](#) of the [Railways Clauses Consolidation \(Scotland\) Act 1845](#) (which make it an offence for any person to fail to fasten gates) shall be amended as follows.
- (2) After the word “gate” there shall be inserted the words “or to lower any barrier”.
- (3) For the words “not exceeding” onwards there shall be substituted the words “not exceeding level 3 on the standard scale.”

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > Rail crossings > s. 49 Securing of gates and barriers.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 51 Amendment of Level Crossings Act 1983.



Law In Force

Version 1 of 1

31 January 1993 - Present

Subjects

Transport

51.— Amendment of Level Crossings Act 1983.

In [section 1](#) of the [Level Crossings Act 1983](#) (safety arrangements at level crossings) in [subsection \(11\)](#), for the definition of “operator” there shall be substituted—

“

“*operator*”, in relation to a crossing, means any person carrying on an undertaking which includes maintaining the permanent way;

”.

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY
PROVISIONS > Rail crossings > s. 51 Amendment of Level Crossings Act 1983.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 52 Placing of signs and barriers.



Law In Force

Version 1 of 1

8 July 1996 - Present

Subjects

Transport

Keywords

Obstruction; Powers rights and duties; Road signs; Transport operators

52.— Placing of signs and barriers.

(1) Subject to any directions under subsection (2) below, the operator of a railway or tramway which is crossed in any place by a private road or path may cause or permit crossing signs or barriers of a character—

- (a) prescribed in regulations made by the Secretary of State, or
- (b) otherwise authorised by him,

to be placed on or near the road or path near the crossing.

(2) The Secretary of State may give directions to the operator of a railway or tramway which is crossed in any place by a private road or path for the placing of crossing signs or barriers of a character specified in the directions on or near the road or path near the crossing.

(3) For the purposes of this section—

- (a) the size and colour of a crossing sign and whether or not it is illuminated (by lighting or the use of reflectors or reflecting material), and
- (b) the nature of the warnings, information, requirements, restrictions or prohibitions conveyed by it,

shall be regarded as part of the sign's character.

(4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Regulations under this section may make different provision for different cases.

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY PROVISIONS
> Signs and barriers at private crossings > s. 52 Placing of signs and barriers.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 53 Rights to enter land.



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Transport

Keywords

Light rail; Railways; Road signs; Transport operators

53.— Rights to enter land.

(1) The operator of a railway or tramway shall not enter or do anything on any land for the purpose of exercising his powers under [section 52\(1\)](#) above except—

- (a) with the consent of every owner of the land, or
- (b) in accordance with an authorisation given by the Secretary of State under subsection (4) below.

(2) Where the operator of a railway or tramway proposes to enter or do anything on any land for the purpose of exercising his powers under section 52(1) above but has not obtained the consent of every owner of the land to his proposals (after making reasonable efforts to do so), he shall serve on every owner whose consent he has not obtained a notice giving details of the proposals and stating that—

- (a) he is referring the proposals to the Secretary of State for a decision as to whether or not they should be carried out, and
- (b) in making that decision, the Secretary of State will consider any written representations made to him by the owner within the period of forty-two days beginning with the date of the notice.

(3) Where subsection (2) above applies, the operator shall—

- (a) submit a copy of every notice served by him under that subsection to the Secretary of State, and
- (b) provide the Secretary of State with such further information about the proposals as he may require.

(4) Where proposals are referred to the Secretary of State under this section, he shall after the expiry of the period of forty-two days beginning with the date of the latest notice served under subsection (2) above and after considering any representations made to him in accordance with that subsection—

- (a) authorise the operator to carry out the proposals (either without modifications or with such modifications as the Secretary of State may specify), or
- (b) direct him not to carry out the proposals,

and shall serve notice of his decision on every owner served with a notice under subsection (2) above.

(5) Any authorisation under subsection (4) above may be given subject to such conditions as the Secretary of State may specify, including conditions that compensation shall be payable by the operator.

(6) Any dispute as to the amount of any compensation payable by virtue of subsection (5) above shall be referred to and determined by the [Upper Tribunal]¹ or, in relation to land in Scotland, the Lands Tribunal for Scotland.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(7) The operator of a railway or tramway may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of—

- (a) complying with any directions given under [section 52\(2\)](#) above, or
- (b) maintaining a crossing sign or barrier lawfully placed on or near a private road or path near a place where it crosses the railway or tramway.

(8) The Secretary of State may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of exercising his powers under [section 54\(1\)](#) below.

(9) In this section “owner” —

- (a) in relation to any land in England and Wales, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple (whether in possession or reversion) and includes also a person holding, or entitled to the rents and profits of, the land under a tenancy, other than a tenancy for a month or any period less than a month;
- (b) in relation to any land in Scotland, means a person who, under the Land Clauses Acts, would be entitled to sell and convey land to the promoters of an undertaking and includes also a person who is or would be entitled to receive the rent of the land under a tenancy, other than a tenancy for a month or any period less than a month.

Notes

- 1 Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.243](#) (June 1, 2009)

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY PROVISIONS
> Signs and barriers at private crossings > s. 53 Rights to enter land.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 54 Default powers of Secretary of State.



Law In Force

Version 2 of 2

20 May 1999 - Present

Subjects

Transport

Keywords

Light rail; Ministers' powers and duties; Non-compliance; Railways; Transport operators

54.— Default powers of Secretary of State.

(1) If the operator of a railway or tramway fails—

(a) to comply with a direction given under [section 52\(2\)](#) above, or

(b) to maintain a crossing sign or barrier lawfully placed on or near a private road or path near a place where it crosses the railway or tramway,

the Secretary of State may himself carry out the work required by the direction or necessary to maintain the crossing sign or barrier.

(2) Any expenses incurred by the Secretary of State in doing so shall be recoverable by him from the operator.

(3) A direction given under [section 52\(2\)](#) above—

(a) if relating to a private road or path in England and Wales, shall be enforceable on the application of the Secretary of State by an order of mandamus;

(b) if relating to a private road or path in Scotland, shall be enforceable by order of the Court of Session on an application by [the appropriate Law Officer within the meaning of [section 4A](#) of the [Crown Suits \(Scotland\) Act 1857](#)] ¹ under [section 45](#) of the [Court of Session Act 1988](#).

Notes

¹ Words substituted by Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999/1042 [Sch.2\(I\) para.9](#) (May 20, 1999)

Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY PROVISIONS > Signs and barriers at private crossings > s. 54 Default powers of Secretary of State.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 55 Offence of failing to comply with sign.



Law In Force

Version 1 of 1

8 July 1996 - Present

Subjects

Transport

Keywords

Non-compliance; Road signs; Transport offences

55.— Offence of failing to comply with sign.

- (1) A person who fails to comply with any requirement, restriction or prohibition conveyed by a crossing sign lawfully placed on or near a private road or path near a place where it crosses a railway or tramway shall be guilty of an offence.
- (2) In any proceedings for an offence under this section, a crossing sign on or near a private road or path near a place where it crosses a railway or tramway shall be taken to have been lawfully placed there unless the contrary is proved.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY PROVISIONS >
Signs and barriers at private crossings > s. 55 Offence of failing to comply with sign.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 56 Interpretation of sections 52 to 55.



Law In Force

Version 1 of 1

8 July 1996 - Present

Subjects

Transport

Keywords

Interpretation; Public transport; Safety

56.— Interpretation of sections 52 to 55.

(1) In [sections 52 to 55](#) above (and this section)—

“*barrier*” includes gate;

“*cross*” means cross otherwise than by tunnel or bridge;

“*crossing sign*”, in relation to a private road or path and any place where it crosses a railway or tramway, means —

(a) any object or device (whether fixed or portable), or

(b) any line or mark on the road or path,

for conveying to users of the road or path warnings, information, requirements, restrictions or prohibitions relating to the crossing;

“*fail*” includes refuse;

“*lawfully placed*” means placed in accordance with [sections 52 to 54](#) above;

“*maintain*” includes repair and replace;

“*place*” includes erect and (in relation to a sign) display;

“*private road or path*” means any length of road or path to which the public does not have access.

(2) In the case of a railway or tramway which has more than one operator, the powers conferred by sections 52 to 54 above shall only be exercisable by or in relation to the operator carrying on the undertaking which includes maintaining the permanent way.

*Part II SAFETY OF RAILWAYS ETC > Chapter II OTHER SAFETY PROVISIONS
> Signs and barriers at private crossings > s. 56 Interpretation of sections 52 to 55.*

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 57 Duty to consult.



Law In Force

Version 2 of 2

2 February 1994 - Present

Subjects

Transport

Keywords

Consultation; Ministers' powers and duties

57. Duty to consult.

It shall be the duty of the Secretary of State, before he makes regulations under [section 32](#),¹ above, to consult such organisations as he considers to be representative of persons who will be affected by the regulations.

Notes

- ¹ Words substituted by Railways Act 1993 c. 43 [Pt III s.117\(5\)\(a\)](#) (February 2, 1994)
-

Part II SAFETY OF RAILWAYS ETC > Chapter III SUPPLEMENTARY > s. 57 Duty to consult.

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 58 Prosecutions.



Law In Force

Version 2 of 2

2 February 1994 - Present

Subjects

Transport

Keywords

Consent; Director of Public Prosecutions; Jurisdiction; Prosecutions; Secretaries of State

58. Prosecutions.

No proceedings shall be instituted in England and Wales in respect of an offence under this Part [, other than an offence under [section 41](#) or [43](#) above,] ¹ except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

Notes

¹ Words added by Railways Act 1993 c. 43 [Pt III s.117\(5\)\(b\)](#) (February 2, 1994)

Part II SAFETY OF RAILWAYS ETC > Chapter III SUPPLEMENTARY > s. 58 Prosecutions.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 59 Offences by bodies corporate etc.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Criminal law; Transport

Keywords

Companies; Offences

59.— Offences by bodies corporate etc.

(1) Where an offence under this Part committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity, he as well as the body corporate shall be guilty of the offence.

(2) In subsection (1) above “*director*”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where, in Scotland, an offence under this Part committed by a partnership or by an unincorporated association other than a partnership is committed with the consent or connivance of, or is attributable to any neglect on the part of, a partner in the partnership or (as the case may be) a person concerned in the management or control of the association, he, as well as the partnership or association, shall be guilty of the offence.

Part II SAFETY OF RAILWAYS ETC > Chapter III SUPPLEMENTARY > s. 59 Offences by bodies corporate etc.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 60 Powers of leasing.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Keywords

Leasing; Light rail; Ministers' powers and duties

60.— Powers of leasing.

- (1) A person authorised by or under an enactment to operate a tramway (“the lessor”) may with the consent of the Secretary of State grant to another person (“the lessee”), for a period agreed between the lessor and the lessee, the right to operate the tramway (or any part of it) and such related statutory rights as may be so agreed.
- (2) The terms of any agreement made by virtue of subsection (1) above shall be subject to the approval of the Secretary of State.
- (3) Where an agreement is made by virtue of subsection (1) above, references in any enactment to the lessor shall, if and to the extent that the agreement so provides, have effect as references to the lessee.
- (4) This section shall apply only to tramways in operation at the passing of this Act.

Part III MISCELLANEOUS AND GENERAL > Tramways > s. 60 Powers of leasing.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 61 Amendment of Public Passenger Vehicles Act 1981.



Law In Force

Version 1 of 1

31 January 1993 - Present

Subjects
Transport

61.— Amendment of Public Passenger Vehicles Act 1981.

- (1) The [Public Passenger Vehicles Act 1981](#) shall be amended as follows.
- (2) In [section 24](#) (regulation of conduct of drivers, inspectors and conductors)—
 - (a) at the end of [subsection \(1\)](#) there shall be added the words “and (c) drivers, inspectors and conductors of tramcars”;
 - (b) in [subsection \(2\)](#), after the word “driver” there shall be inserted the words “of a public service vehicle”.
- (3) In [section 25\(1\)](#) (regulation of conduct of passengers) after the words “public service vehicles” there shall be inserted the words “or tramcars”, and after the words “public service vehicle” wherever they occur there shall be inserted the words “or tramcar”.
- (4) In [section 27\(1\)](#) (returns to be provided by persons operating public service vehicles) after the words “public service vehicles” there shall be inserted the words “or tramcars”.
- (5) In [section 60\(1\)](#) (general power to make regulations)—
 - (a) at the end of [paragraph \(j\)](#) (carriage of luggage and goods on public service vehicles) there shall be added the words “or tramcars”;
 - (b) in [paragraph \(k\)](#) (custody of property left on a public service vehicle) after the word “vehicle” there shall be inserted the words “or tramcar”.
- (6) After [subsection \(1A\)](#) of [section 60](#) there shall be inserted—

“(1B) Regulations made under any provision of this Act and applying to tramcars may amend or exclude any provision of an Act or instrument of local application whose subject-matter is the same as that of the regulations.”

Part III MISCELLANEOUS AND GENERAL > Tramways > s. 61 Amendment of Public Passenger Vehicles Act 1981.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 62 Exclusion of hackney carriage legislation.



Law In Force

Version 2 of 2

1 June 2003 - Present

Subjects

Transport

62.— Exclusion of hackney carriage legislation.

(1) In [section 4](#) of the [Metropolitan Public Carriage Act 1869](#) (interpretation) in the definition of “hackney carriage”, for the words “not a stage carriage” there shall be substituted the words “neither a stage carriage nor a tramcar”.

[...] ¹

(3) In [section 80](#) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) (interpretation) in [subsection \(1\)](#) in the definition of “private hire vehicle”, after the words “London cab” there shall be inserted the words “or tramcar”.

Notes

¹ Repealed by Private Hire Vehicles (London) Act 1998 c. 34 [Sch.2 para.1](#) (June 1, 2003 as SI 2003/580)

Part III MISCELLANEOUS AND GENERAL > Tramways > s. 62 Exclusion of hackney carriage legislation.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 63 Harbours.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects
Transport

63.— Harbours.

- (1) The [Harbours Act 1964](#) shall have effect with the amendments set out in [Schedule 3](#) to this Act.
- (2) In [section 37](#) of the [Docks and Harbours Act 1966](#) (which gives to harbour authorities powers to acquire harbour businesses, and to subscribe for or acquire securities of bodies engaged, or to be engaged, in harbour businesses)—
- (a) in [subsection \(1\)](#), for the words “harbour operations” and the words “such operations” there shall be substituted the words “activities relating to harbours”;
- (b) in [subsection \(2\)](#), for the words “harbour operations” there shall be substituted the words “activities relating to harbours”;
- (c) after subsection (2) there shall be inserted—

“

(2A) Nothing in subsection (2) above shall be construed as authorising a harbour authority to delegate to another body any function that it could not delegate apart from that subsection.

”;

- (d) [subsection \(3\)](#) shall be omitted.

- (3) In [section 35](#) of the [Coast Protection Act 1949](#) (which excepts certain operations from the requirement to obtain the Secretary of State's consent under section 34) in [subsection \(1\)](#) there shall be added after [paragraph \(h\)](#)—

“

- (i) any operations authorised by an order under section 14 or 16 of the Harbours Act 1964.

”

Part III MISCELLANEOUS AND GENERAL > Harbours > s. 63 Harbours.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 64 Maintenance of footpaths and bridleways.



Law In Force

Version 1 of 1

31 January 1993 - Present

Subjects

Transport

64.— Maintenance of footpaths and bridleways.

- (1) [Section 36](#) of the [Highways Act 1980](#) (highways maintainable at public expense) shall be amended as follows.
- (2) In [subsection \(2\)](#), at the end of [paragraph \(c\)](#), the word “and” shall be omitted.
- (3) After [paragraph \(d\)](#) of subsection (2), there shall be added—

“(e) a highway, being a footpath or bridleway, created in consequence of a rail crossing diversion order, or of an order made under section 14 or 16 of the Harbours Act 1964, or of an order made under section 1 or 3 of the Transport and Works Act 1992.”

- (4) After [subsection \(3\)](#) there shall be inserted—

“(3A) Paragraph (e) of subsection (2) above shall not apply to a footpath or bridleway, or to any part of a footpath or bridleway, which by virtue of an order of a kind referred to in that subsection is maintainable otherwise than at the public expense.”

Part III MISCELLANEOUS AND GENERAL > Miscellaneous > s. 64 Maintenance of footpaths and bridleways.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 65 Certain enactments to cease to have effect.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects
Transport

65.— Certain enactments to cease to have effect.

(1) The following enactments shall cease to have effect—

(a) the [General Pier and Harbour Act 1861](#);

(b) in the [Tramways Act 1870](#)—

[section 3](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

[sections 4 to 21](#),

[sections 22 to 24](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

in [section 25](#), the words from the beginning to “surface of the road” (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

in [section 25](#), the words “and shall not be opened” onwards,

[sections 26 to 40](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

[sections 41 and 42](#),

[sections 43 to 47](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

[section 48](#),

[sections 49 to 64](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

[Parts I and II of Schedule A](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

[Part III of Schedule A](#),

[Schedule B](#), and

[Schedule C](#) (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order);

(c) the [Military Tramways Act 1887](#);

(d) the [Railways \(Electrical Power\) Act 1903](#);

(e) the [Fishery Harbours Act 1915](#);

(f) [section 220\(1\)\(a\)](#) of the [Insolvency Act 1986](#).

(2) In the [Coast Protection Act 1949](#), in [sections 2\(8\)\(a\)](#) and [17\(8\)\(b\)](#), for the words “to which the Fishery Harbours Act 1915 applies” there shall be substituted the words “which is a fishery harbour for the purposes of [section 21](#) of the [Sea Fish Industry Act 1951](#)”.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Part III MISCELLANEOUS AND GENERAL > Miscellaneous > s. 65 Certain enactments to cease to have effect.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 66 Service of notices.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Keywords

Notices; Service

66.— Service of notices.

- (1) A notice or other document required or authorised to be served for the purposes of this Act may be served by post.
- (2) Where the person on whom a notice or other document to be served for the purposes of this Act is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (3) For the purposes of [section 7](#) of the [Interpretation Act 1978](#) as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice or document under subsection (1) above is, if he has given an address for service, that address, and otherwise—
 - (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body;
 - (b) in any other case, his last known address at the time of service.
- (4) Where for the purposes of this Act a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable inquiry, the notice may be served by—
 - (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
 - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on the land.
- (5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.
- (6) This section shall not apply to anything required or authorised to be served under [section 35](#) above.

Part III MISCELLANEOUS AND GENERAL > General > s. 66 Service of notices.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 67 Interpretation.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Keywords

Interpretation; Transport

67.— Interpretation.

(1) In this Act, except where the context otherwise requires—

“*carriageway*” has the same meaning as in the [Highways Act 1980](#), or in Scotland the [Roads \(Scotland\) Act 1984](#);

“*guided transport*” means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way);

“*inland waterway*” includes both natural and artificial waterways, and waterways within parts of the sea that are in Great Britain, but not any waterway managed or maintained by a person who is a harbour authority (within the meaning of the [Harbours Act 1964](#)) in relation to the waterway;

“*operator*” , in relation to a transport system, means any person carrying on an undertaking which includes the system or any part of it or the provision of transport services on the system;

“*railway*” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level),

but does not include a tramway;

“*street*” means —

- (a) in England and Wales, a street within the meaning of [section 48](#) of the [New Roads and Street Works Act 1991](#), together with land on the verge of a street or between two carriageways;
- (b) in Scotland, a road within the meaning of [section 107](#) of the [New Roads and Street Works Act 1991](#), together with land on the verge of a road or between two carriageways;

“*tramway*” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

“*trolley vehicle system*” means a system of transport by vehicles constructed or adapted for use on roads without rails under electric power transmitted to them by overhead wires (whether or not there is in addition a source of power on board the vehicles);

“*vehicle*” includes mobile traction unit.

(2) References in this Act to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

Part III MISCELLANEOUS AND GENERAL > General > s. 67 Interpretation.

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 68 Repeals.



Partially In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Keywords

Repeals; Transport

68.— Repeals.

- (1) The enactments mentioned in [Schedule 4](#) to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeal by this Act of the [Notice of Accidents Act 1894](#) shall not affect [section 75](#) of the [Civil Aviation Act 1982](#) (by virtue of which regulations may include provisions applying [section 3](#) of the 1894 Act).

Part III MISCELLANEOUS AND GENERAL > General > s. 68 Repeals.

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 69 Expenses.



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Keywords

Expenses; Payments; Secretaries of State

69. Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

Part III MISCELLANEOUS AND GENERAL > General > s. 69 Expenses.

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 70 Commencement.



Law In Force

Version 1 of 1

16 March 1992 - Present

Subjects

Transport

Keywords

Commencement; Transport and works orders

70.— Commencement.

(1) The preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes.

(2) An order under subsection (1) above may include such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.

Part III MISCELLANEOUS AND GENERAL > General > s. 70 Commencement.

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 71 Extent.



Law In Force

Version 1 of 1

16 March 1992 - Present

Subjects

Transport

Keywords

Extent; Transport and works orders

71. Extent.

This Act shall not extend to Northern Ireland.

Part III MISCELLANEOUS AND GENERAL > General > s. 71 Extent.

Contains public sector information licensed under the Open Government Licence v3.0.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

s. 72 Short title.



Law In Force

Version 1 of 1

16 March 1992 - Present

Subjects

Transport

Keywords

Short titles; Transport and works orders

72. Short title.

This Act may be cited as the Transport and Works Act 1992.

Part III MISCELLANEOUS AND GENERAL > General > s. 72 Short title.

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 1



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Demolition; Maintenance; Remedial works; Removal; Transport

1.

The construction, alteration, repair, maintenance, demolition and removal of railways, tramways, trolley vehicle systems and other transport systems within [section 1\(1\)](#) of this Act, waterways, roads, watercourses, buildings and other structures.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 2



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Engineering operations; Performance

2.

The carrying out of any other civil engineering or other works.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 2

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 3



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Real property; Transport

Keywords

Acquisition of land; Agreements; Compulsory purchase

3.

The acquisition of land, whether compulsorily or by agreement.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 4



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Real property; Transport

Keywords

Creation; Extinguishment; Proprietary rights

4.

The creation and extinguishment of rights over land (including rights of navigation over water), whether compulsorily or by agreement.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 4

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 5



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Agreements; Amendments; Annulment; Real property

5.

The abrogation and modification of agreements relating to land.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 5

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 6



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Public services; Public transport

6.

The conferring on persons providing transport services of rights to use systems belonging to others.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 6

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 7



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Proprietary rights

7.

The protection of the property or interests of any person.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 7

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 8



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Exclusion; Liabilities; Offences

8.

The imposition and exclusion of obligations or of liability in respect of any acts or omissions.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 8

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 9



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Agreements; Police service

9.

The making of agreements to secure the provision of police services.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 9

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 10



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Samples; Surveys

10.

The carrying out of surveys and the taking of soil samples.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 10

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 11



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Compensation; Payments

11.

The payment of compensation.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 11

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 12



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Charges; Fares; Non-payment; Payments; Tolls

12.

The charging of tolls, fares (including penalty fares) and other charges, and the creation of summary offences in connection with non-payment (or in connection with a person's failure to give his name or address in accordance with provisions relating to penalty fares).

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 12

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 13



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Byelaws; Creation; Enforcement; Summary offences

13.

The making of byelaws by any person and their enforcement, including the creation of summary offences.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 13

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 14



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Payments; Rates

14.

The payment of rates.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 14

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 15



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Discontinuance; Leasing; Revival; Transfer; Undertakings

15.

The transfer, leasing, discontinuance and revival of undertakings.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 15

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 16



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Arbitration

16.

The submission of disputes to arbitration.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 16

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 17



Law In Force

Version 1 of 1

1 January 1993 - Present

Subjects

Transport

Keywords

Consent; Secretaries of State

17.

The imposition of requirements to obtain the consent of the Secretary of State.

Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 17

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 1



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

1.

The [Highways Act 1980](#) shall be amended as follows.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 2



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

2.—

- (1) [Section 118](#) (stopping up of footpaths and bridleways) shall be amended as follows.
- (2) In [subsection \(5\)](#), for—
 - (a) the words “or public path diversion order made under section 119 below”, and
 - (b) the words “or the public path diversion order”,there shall be substituted the words “, public path diversion order or rail crossing diversion order”.
- (3) In [subsection \(7\)](#), for “119” there shall be substituted “118A”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 2

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 3



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

3.

After [section 118](#) there shall be inserted—

118A.— “Stopping up of footpaths and bridleways crossing railways.

(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.

(2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way—

(a) on the crossing itself, and

(b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way (whether or not other rights of way also subsist over it).

(3) An order under this section is referred to in this Act as a “*rail crossing extinguishment order*”.

(4) The Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

(5) Before determining to make a rail crossing extinguishment order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any expenses which the council may incur in connection with the erection or maintenance of barriers and signs.

(6) A rail crossing extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

(7) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing extinguishment orders.

(8) In this section—

“*operator*” , in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

“*railway*” includes tramway but does not include any part of a system where rails are laid along a carriageway.

”

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 4



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

4.

After [section 119](#) (diversion of footpaths and bridleways) there shall be inserted—

119A.— “Diversion of footpaths and bridleways crossing railways.

(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be diverted (whether on to land of the same or of another owner, lessee or occupier).

(2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order—

(a) create, as from such date as may be specified in the order, any such new path or way as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be so specified, the public right of way over the crossing and over so much of the path or way of which the crossing forms part as appears to the council requisite as aforesaid.

(3) An order under this section is referred to in this Act as a “*rail crossing diversion order*” .

(4) The Secretary of State shall not confirm a rail crossing diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

(5) A rail crossing diversion order shall not alter a point of termination of a path or way diverted under the order—

(a) if that point is not on a highway over which there subsists a like right of way (whether or not other rights of way also subsist over it), or

(b) (where it is on such a highway) otherwise than to another point which is on the same highway, or another such highway connected with it.

Transport and Works Act 1992

(6) A rail crossing diversion order may make provision requiring the operator of the railway to maintain all or part of the footpath or bridleway created by the order.

(7) Where it appears to the council that work requires to be done to provide necessary facilities for the convenient exercise of any such new right of way as is mentioned in subsection (2)(a) above, the date specified under subsection (2)(b) shall be later than the date specified under subsection (2)(a) by such time as appears to the council requisite for enabling the work to be carried out.

(8) Before determining to make a rail crossing diversion order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—

(a) any compensation which may become payable under section 28 above as applied by section 121(2) below;

(b) any expenses which the council may incur in connection with the erection or maintenance of barriers and signs;

(c) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use by the public;

(d) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (11) below.

(9) A rail crossing diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed—

(a) showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted,

(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a footpath or bridleway, and

(c) where some part of the new site is already so comprised, defining that part.

(10) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing diversion orders.

(11) Section 27 above (making up of new footpaths and bridleways) applies to a footpath or bridleway created by a rail crossing diversion order with the substitution, for references to a public path creation order, of references to a rail crossing diversion order and, for references to section 26(2) above, of references to section 120(3) below.

(12) In this section and in section 120 below—

“*operator*” , in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

“*railway*” includes tramway but does not include any part of a system where rails are laid along a carriageway.

”

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 4

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 5



Law In Force With Amendments Pending

Version 1 of 2

22 December 1992 - Present

Subjects

Transport

5.—

- (1) [Section 120](#) (exercise of powers of making public path extinguishment and diversion orders) shall be amended as follows.
- (2) In [subsection \(1\)](#), for the words “and 119” there shall be substituted the words “to 119A”.
- (3) In [subsection \(2\)](#), for the words from “public path extinguishment” to “and 119” there shall be substituted the words “orders under sections 118 to 119A”.
- (4) In [subsection \(3\)](#)—
 - (a) after “118(1)” there shall be inserted “or 118A(1) or 119A(1)”;
 - (b) after the words “stopped up” there shall be inserted the words “or diverted”;
 - (c) after the words “extinguishment order” there shall be added the words “, a rail crossing extinguishment order, a rail crossing diversion order”;
 - (d) for the words “and 119” there shall be substituted the words “to 119A”;
 - (e) after the word “consultation” there shall be inserted the words “(subject to subsection (3A) below)”.
- (5) After subsection (3) there shall be inserted—

“

(3A) Where—

- (a) the operator of a railway makes a request to a council to make an order under section 118A or 119A above in respect of a crossing over the railway,
- (b) the request is in such form and gives such particulars as are prescribed by regulations made by the Secretary of State, and
- (c) the council have neither confirmed the order nor submitted it to the Secretary of State within 6 months of receiving the request,

the power conferred on the Secretary of State by subsection (3) above may be exercised without consultation with the council.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

”

(6) In [subsection \(4\)](#), after the words “public path diversion order” there shall be inserted the words “or a rail crossing diversion order”.

(7) In [subsection \(5\)](#)—

(a) for the words “he may require the owner, lessee or occupier” there shall be substituted the words “or, on the representations of the operator of the railway concerned, a rail crossing diversion order, he may require the person”;

(b) for the words “for the owner, lessee or occupier” there shall be substituted the words “for that person”;

(c) after “119(5)” there shall be inserted the words “, or as the case may be 119A(8),”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 5

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 6



Law In Force With Amendments Pending

Version 1 of 2

22 December 1992 - Present

Subjects

Transport

6.—

(1) [Section 121](#) (supplementary provisions) shall be amended as follows.

(2) In [subsection \(1\)](#)—

(a) for the words “or a public path diversion order” there shall be substituted the words “, a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order”;

(b) after the words “and a public path diversion order” there shall be added the words “or a rail crossing diversion order”.

(3) In [subsection \(2\)](#), for the words “and to public path diversion orders” there shall be substituted the words “, rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders”.

(4) In [subsection \(3\)](#), for the words “and public path diversion orders” there shall be substituted the words “, rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders”.

(5) In [subsection \(4\)](#), for the words “or a public path diversion order” there shall be substituted the words “, rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 6

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 7



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

7.

In [section 293](#) (powers of entry for purposes connected with certain orders relating to footpaths and bridleways) in [subsection \(1\)](#) for the words “or a public path diversion order” there shall be substituted the words “, a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 7

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 8



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

8.

In [section 325](#) (provisions as to regulations, schemes and orders) in [subsection \(2\)\(a\)](#), after the words “section”, there shall be inserted the words “120(3A) or”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 8

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 9



Law In Force

Version 1 of 1

22 December 1992 - Present

Subjects

Transport

9.

In [section 329\(1\)](#) (interpretation) after the definition of “rack rent” there shall be inserted—

“*rail crossing diversion order*” means an order under section 119A above;

“*rail crossing extinguishment order*” means an order under section 118A above;

”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 9

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS

para. 10



Law In Force With Amendments Pending

Version 1 of 2

22 December 1992 - Present

Subjects

Transport

10.—

- (1) [Schedule 6](#) shall be amended as follows.
- (2) In [paragraph 1](#)—
 - (a) in [sub-paragraphs \(1\) and \(2\)](#) for the words “or a public path diversion order” there shall be substituted the words “, a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order”;
 - (b) in [sub-paragraph \(3A\)](#) for the words “and public path diversion orders” there shall be substituted the words “, rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders”;
 - (c) in [sub-paragraph \(3B\)](#) for the words “and draft public path diversion orders” there shall be substituted the words “, draft rail crossing extinguishment orders, draft public path diversion orders and draft rail crossing diversion orders”.
- (3) In [paragraph 2A\(1\)](#), after the words “shall, except in” there shall be inserted the words “the case of a rail crossing extinguishment order, the case of a rail crossing diversion order and”.
- (4) In [paragraph 3\(2\)](#)—
 - (a) after the words “public path extinguishment order” there shall be inserted the words “or a rail crossing extinguishment order”;
 - (b) for the words “or a public path diversion order” there shall be substituted the words “, a public path diversion order or a rail crossing diversion order”.

Schedule 2 STOPPING UP AND DIVERSION OF RAIL CROSSINGS > para. 10

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 1



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

1.—

- (1) [Section 14](#) (harbour revision orders) shall be amended as follows.
- (2) In [subsection \(2\)\(b\)](#) at the end there shall be added the words “or in the interests of the recreational use of sea-going ships”.
- (3) After [subsection \(2A\)](#) there shall be inserted—

“

(2B) Nothing in subsection (2)(b) of this section shall prevent the making of an order for facilitating—

- (a) the closing of part of the harbour,
- (b) a reduction in the facilities available in the harbour, or
- (c) the disposal of property not required for the purposes of the harbour,

if the appropriate Minister is satisfied that the making of the order is desirable on grounds other than those specified in that subsection.

”

- (4) In [subsection \(3\)](#)—

- (a) for the words from “a provision” to “said objects” there shall be substituted the words “any other provision of the order”;
- (b) after the words “for the purposes of” there shall be inserted the words “, or in connection with,”;
- (c) for the words “repealing and amending” there shall be substituted the words “excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act) and for repealing”.

- (5) After [subsection \(4\)](#) there shall be inserted—

“

(4A) Where two or more harbours are being improved, maintained or managed by the same harbour authority or by harbour authorities which are members of the same group, a harbour revision order may relate to more than one of the harbours; and for this purpose two authorities

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

are members of the same group if one is a subsidiary (within the meaning of the Companies Act 1985) of the other or both are subsidiaries of another company (within the meaning of that Act).

”

(6) In [subsection \(5\)](#), for the words “large-scale map” there shall be substituted the words “map of a scale not less than 1:2500”.

(7) After subsection (5) there shall be inserted—

“

(5A) Where a harbour revision order includes provision for extinguishing or diverting a public right of way over a footpath or bridleway, there must be annexed to the order a map of a scale not less than 1:2500 on which the path or way concerned, and in the case of a diversion the new path or way, are plainly delineated.

”

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 2



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

2.—

- (1) [Section 16](#) (harbour empowerment orders) shall be amended as follows.
- (2) At the end of [subsection \(5\)](#) there shall be added the words “or in the interests of the recreational use of sea-going ships”.
- (3) In [subsection \(6\)](#), after the words “any other enactment” there shall be inserted the words “and provisions for excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act)”.
- (4) In [subsection \(7\)](#), for the words “large-scale map” there shall be substituted the words “map of a scale not less than 1:2500”.
- (5) After subsection (7) there shall be inserted—

“

(7A) Where a harbour empowerment order includes provision for extinguishing or diverting a public right of way over a footpath or bridleway, there must be annexed to the order a map of a scale not less than 1:2500 on which the path or way concerned, and in the case of a diversion the new path or way, are plainly delineated.

”

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 2

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 3



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

3.

In [section 17](#) (procedure for making harbour revision and empowerment orders) after [subsection \(2\)](#) there shall be inserted—

“

(2A) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for extinguishing a public right of way over a footpath or bridleway unless he is satisfied—

- (a) that an alternative right of way has been or will be provided, or
- (b) that the provision of an alternative right of way is not required.

(2B) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for diverting a public right of way over a footpath or bridleway unless he is satisfied that the path or way will not be substantially less convenient to the public in consequence of the diversion.

”

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 3

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 4



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

4.

In [section 18](#) (harbour reorganisation schemes) in [subsection \(3\)](#), for the words “large-scale map” there shall be substituted the words “map of a scale not less than 1:2500”.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 4

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 5



Law In Force

Version 2 of 2

28 December 2007 - Present

Subjects

Transport

England and Wales

5.—

(1) [Section 47](#) (provisions as to inquiries and hearings) shall be amended as follows.

(2) After [subsection \(1\)](#) there shall be inserted—

“

(1A) The power to make an order as to costs under section 250(5) of the Local Government Act 1972 as applied by subsection (1) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.

”

(3) After [subsection \(2\)](#) there shall be inserted—

“

(2A) The power to make an award as to expenses under section 210(8) of the Local Government (Scotland) Act 1973 as applied by subsection (2) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.

”

(4) In [subsection \(3\)](#), for the words from “required by paragraph 4(3)” to “Schedule 4” there shall be substituted the words “into an order subject to the provisions of paragraph 4B of Schedule 3”.

Scotland

[

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

5.—

(1) Section 47 (provisions as to inquiries and hearings) shall be amended as follows.

(2) After subsection (1) there shall be inserted—

“

(1A) The power to make an order as to costs under section 250(5) of the Local Government Act 1972 as applied by subsection (1) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.

”

(3) After subsection (2) there shall be inserted—

“

(2A) The power to make an award as to expenses under section 210(8) of the Local Government (Scotland) Act 1973 as applied by subsection (2) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.

”

(4) [...]

] ¹

Notes

¹ Repealed by Transport and Works (Scotland) Act 2007 asp 8 (Scottish Act) [Sch.3 para.](#) (December 28, 2007)

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 5

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 6



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

6.

After [section 48](#) (service of documents) there shall be inserted—

48A. “Environmental duties of harbour authorities.

It shall be the duty of a harbour authority in formulating or considering any proposals relating to its functions under any enactment to have regard to—

- (a) the conservation of the natural beauty of the countryside and of flora, fauna and geological or physiographical features of special interest;
- (b) the desirability of preserving for the public any freedom of access to places of natural beauty; and
- (c) the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural or historic interest;

and to take into account any effect which the proposals may have on the natural beauty of the countryside, flora, fauna or any such feature or facility.

”

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 6

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 7



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

7.—

- (1) [Section 57](#) (interpretation) shall be amended as follows.
- (2) After the definition of “the Boards” there shall be inserted—

“

“*bridleway*” , in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in Part III of the Countryside (Scotland) Act 1967;

”.

- (3) After the definition of “fishery harbour” there shall be inserted—

“

“*footpath*” , in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in the Roads (Scotland) Act 1984;

”.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 7

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 8



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

8.

[Section 62](#) (saving for private Bills etc) shall be omitted.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 8

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 9



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

9.—

- (1) [Schedule 2](#) (objects for whose achievement harbour revision orders may be made) shall be amended as follows.
- (2) In [paragraph 3\(c\)](#) for the words from “out” to “others of” there shall be substituted the words “on by others of activities relating to the harbour or of”.
- (3) After [paragraph 7](#) there shall be inserted—

“

7A.

Extinguishing or diverting public rights of way over footpaths or bridleways for the purposes of works described in the order or works ancillary to such works.

7B.

Extinguishing public rights of navigation for the purposes of works described in the order or works ancillary to such works, or permitting interference with the enjoyment of such rights for the purposes of such works or for the purposes of works carried out by a person authorised by the authority to carry them out.

”

- (4) After [paragraph 8](#) there shall be inserted—

“

8A.

Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour.

”

- (5) After [paragraph 9](#) there shall be inserted—

“

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

9A.

Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land.

9B.

Empowering the authority to delegate the performance of any of the functions of the authority except —

- (a) a duty imposed on the authority by or under any enactment;
- (b) the making of byelaws;
- (c) the levying of ship, passenger and goods dues;
- (d) the appointment of harbour, dock and pier masters;
- (e) the nomination of persons to act as constables;
- (f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and sea-marks, so far as those functions are exercisable for the purposes of the safety of navigation.

”

(6) After [paragraph 16](#) there shall be inserted—

“

16A.

Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features.

”

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 9

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 para. 10



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

10.—

(1) [Schedule 3](#) (procedure for making harbour orders) shall be amended as follows.

(2) After [paragraph 1A](#) there shall be inserted—

“

1B.

Such fees as may be determined by the Secretary of State shall be payable on the making of an application for a harbour revision order.

”

(3) In [paragraph 3](#), after [sub-paragraph \(b\)](#) there shall be inserted—

“

(ba) if provision is proposed to be included in the order extinguishing or diverting a public right of way over a footpath or bridleway, the applicant shall—

(i) serve on every local authority for the area in which the path or way is situated a notice stating the effect of the provision, naming a place where a copy of the draft of the proposed order (and of any relevant map accompanying the application for the order) may be seen at all reasonable hours and stating that, if the local authority desire to make to the Secretary of State objection to the inclusion of the provision in the order, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them;

(ii) cause a copy of the notice to be displayed in a prominent position at the ends of so much of any path or way as would by virtue of the order cease to be subject to a public right of way;

and for the purposes of this sub-paragraph, “*local authority*” means, in England and Wales, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish or community council and a parish meeting of a parish not having a separate parish council and, in Scotland, a regional, islands or district council;

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

”

(4) In [paragraph 4A](#), in [sub-paragraph \(1\)](#) for the words “is opposed” there shall be substituted the words “authorises the compulsory purchase of land”, and for [sub-paragraphs \(2\) to \(4\)](#) there shall be substituted—

“

(2) Where this paragraph has effect in relation to an order, it shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 18 or 19 of the Acquisition of Land Act 1981 (or by virtue of paragraph 5 or 6 of Schedule 3 to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under section 2(1) of that Act.

”

(5) For [paragraph 4B](#) there shall be substituted—

“

4B.—

(1) The provisions of this paragraph apply to—

- (a) a harbour revision order relating to a harbour in Scotland, or
- (b) a harbour empowerment order relating to a harbour or to works to be carried out in Scotland,

where the order authorises the compulsory purchase of land.

(2) Where this paragraph applies to an order, the order shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 1(2)(b) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (land forming part of a common or open space or held inalienably by the National Trust for Scotland), if the purchase were authorised by an order under section 1(1) of that Act.

”

(6) In [paragraph 5\(a\)](#), for the words from “to which” to “so affected” there shall be substituted the words “which is not subject to special parliamentary procedure,”.

(7) [Paragraphs 8A and 8B](#) shall be omitted.

(8) In [paragraph 14\(3\)](#), for the words “(b) and (c)” there shall be substituted the words “(b) to (c)”.

Schedule 3 AMENDMENT OF HARBOURS ACT 1964 > para. 10

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 REPEALS para. 1



Partially In Force

Version 1 of 1

15 July 1992 - Present

Subjects
Transport

Chapter	Short title	Extent of repeal
5 & 6 Vict. c. 55.	The Railway Regulation Act 1842.	In section 17 , the words “who shall be found drunk while so employed upon the said railway”.
33 & 34 Vict. c.78.	The Tramways Act 1870.	Section 3 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). Sections 4 to 21. Sections 22 to 24 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). In section 25 , the words from the beginning to “surface of the road” (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). In section 25 , the words “and shall not be opened” onwards. Sections 26 to 40 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). Sections 41 and 42. Sections 43 to 47 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). Section 48. Sections 49 to 64 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). Parts I and II of Schedule A (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). Part III of Schedule A.

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

		<p>Schedule B.</p> <p>Schedule C (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).</p>
34 & 35 Vict. c. 78.	The Regulation of Railways Act 1871 .	<p>In section 3, the words “Provided that” onwards.</p> <p>Section 6.</p>
45 & 46 Vict. c.50.	The Municipal Corporations Act 1882 .	In Part I of Schedule 9 , the entry relating to the Tramways Act 1870 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).
50 & 51 Vict. c. 65.	The Military Tramways Act 1887 .	The whole Act.
52 & 53 Vict. c. 14.	The Town Police Clauses Act 1889 .	In section 3 , the words from “duly licensed” to “Act of Parliament.”
57 & 58 Vict. c.28.	The Notice of Accidents Act 1894 .	The whole Act, so far as unrepealed.
59 & 60 Vict. c.48.	The Light Railways Act 1896 .	The whole Act, so far as unrepealed (except as it applies in Scotland).
63 & 64 Vict. c.27.	The Railway Employment (Prevention of Accidents) Act 1900 .	<p>Section 13</p> <p>(2).</p>
3 Edw. 7 c.30.	The Railways (Electrical Power) Act 1903 .	The whole Act.
6 Edw. 7 c.53.	The Notice of Accidents Act 1906 .	The whole Act, so far as unrepealed.
2 & 3 Geo. 5 c.19.	The Light Railways Act 1912 .	The whole Act, so far as unrepealed (except as it applies in Scotland).
11 & 12 Geo. 5 c.55.	The Railways Act 1921 .	<p>Sections 68 and 69 (except as they apply in Scotland).</p> <p>Section 71 (except as it applies in Scotland).</p> <p>Sections 73 and 74 (except as they apply in Scotland).</p>
24 & 25 Geo. 5 c.53.	The Road and Rail Traffic Act 1933 .	<p>Section 41.</p> <p>Section 43.</p>
2 & 3 Eliz. 2 c. 64.	The Transport Charges &c (Miscellaneous Provisions) Act 1954 .	<p>Section 9.</p> <p>In section 13(1)—</p> <p>the definition of “railway of the nature of a tramway”;</p> <p>the definition of “tramcar”;</p> <p>the words “and references to” to “Road Traffic Act 1960”.</p> <p>Section 14(5).</p>
8 & 9 Eliz. 2 c. 16.	The Road Traffic Act 1960 .	In Schedule 17 , the entry relating to the Transport Charges &c (Miscellaneous Provisions) Act 1954 .
10 & 11 Eliz. 2 c.46.	The Transport Act 1962 .	<p>In section 83—</p> <p>subsections (1) to (5) (except as they apply in Scotland);</p>

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

		subsection (6).
1965 c.2.	The Administration of Justice Act 1965.	In Schedule 1 — the entry relating to the Tramways Act 1870 ; the entry relating to the Light Railways Act 1896 .
1965 c.xxi.	The British Railways Act 1965.	Section 35(3) and (8).
1965 c.xli.	The London Transport Act 1965.	Section 34(3).
1967 c.80.	The Criminal Justice Act 1967.	In Part I of Schedule 3 — the entry relating to section 75 of the Railways Clauses Consolidation Act 1845 ; the entry relating to section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 .
1968 c.73.	The Transport Act 1968.	Section 121(4) (except as it applies in Scotland). In section 121(5) , the words “or by virtue of subsection (4) thereof” (except as they apply in Scotland). In section 121(6) , the words “or by virtue of subsection (4)” (except as they apply in Scotland). Section 124 (except as it applies in Scotland). Section 125(4) .
1972 c.70.	The Local Government Act 1972.	Section 131(2)(c) .
1975 c.9.	The Supply Powers Act 1975.	In Schedule 1 , the entry relating to the Military Tramways Act 1887 .
1975 c.53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	The whole Act, so far as unrepealed.
1977 c. xii.	The London Transport Act 1977.	In the Schedule, the entry relating to section 75 of the Railways Clauses Consolidation Act 1845 .
1977 c.xvii.	The British Railways Act 1977.	In Schedule 1 — the entry relating to section 75 of the Railways Clauses Consolidation Act 1845 ; the entry relating to section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 .
1980 c.66.	The Highways Act 1980.	In section 36(2) , at the end of paragraph (c) , the word “and”.
1982 c.53.	The Administration of Justice Act 1982.	Section 46(2)(b)(i) . Section 46(2)(d) .
1984 c.12.	The Telecommunications Act 1984.	In Schedule 4 , paragraph 7 .
1984 c.54.	The Roads (Scotland) Act 1984.	In Schedule 9 — paragraph 6 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order);

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

		paragraph 12.
1986 c.45.	The Insolvency Act 1986.	Section 220(1)(a).
1987 c.53.	The Channel Tunnel Act 1987.	In paragraph 3 of Schedule 6 — in the entry relating to the Regulation of Railways Act 1871 , the words “and 6” and the words “returns of and”; the entry relating to the Road and Rail Traffic Act 1933 .

Schedule 4 REPEALS > Part I RAILWAYS AND TRAMWAYS > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

Schedule 4 REPEALS para. 1



Law In Force

Version 1 of 1

15 July 1992 - Present

Subjects

Transport

Chapter	Short title	Extent of repeal
24 & 25 Vict. c.45.	The General Pier and Harbour Act 1861.	The whole Act, so far as unrepealed.
25 & 26 Vict. c. 19.	The General Pier and Harbour Act 1861, Amendment Act.	The whole Act, so far as unrepealed.
25 & 26 Vict. c.69.	The Harbours Transfer Act 1862.	Sections 13 and 14.
5 & 6 Geo. 5 c.48.	The Fishery Harbours Act 1915.	The whole Act, so far as unrepealed.
1 Edw. 8 & 1 Geo. 6 c.28.	The Harbours, Piers and Ferries (Scotland) Act 1937.	Sections 4 and 5.
14 & 15 Geo. 6 c.30.	The Sea Fish Industry Act 1951.	Section 21(4). In section 21(5) , the words “in section two of the said Act of 1915 or”. In section 21(8) , the word “either” and the words from “or of the Fishery Harbours Act 1915” to “the Minister of Transport”).
1964 c.40.	The Harbours Act 1964.	Section 17(3) and (4). In section 57(1) , the definition of “large-scale”. Section 62. In Schedule 3 — paragraph 5A; paragraph 8A; paragraph 8B; in paragraph 9 , the words from “and further stating” to “or will come into operation”; paragraph 9A.
1966 c.28.	The Docks and Harbours Act 1966.	Section 37(3).
1973 c.65.	The Local Government (Scotland) Act 1973.	In Schedule 19 — paragraph 5; paragraph 8.
1981 c. 56.	The Transport Act 1981.	In Schedule 6 , paragraph 4(4) to (7).

Transport and Works Act 1992

Transport and Works Act 1992 c. 42

Schedule 4 REPEALS > Part II HARBOURS > para. 1

Contains public sector information licensed under the Open Government Licence v3.0.

2004 No. 2018

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

The Transport and Works (Inquiries Procedure) Rules 2004

Thomson Reuters (Legal) Limited.

UK Statutory Instruments Crown Copyright. Reproduced by permission of the Controller of Her Majesty's Stationery Office.

<i>Made</i>	<i>25th July 2004</i>
<i>Laid before Parliament</i>	<i>28th July 2004</i>
<i>Coming into force</i>	<i>23rd August 2004</i>

The Lord Chancellor, in exercise of the powers conferred upon him by section 9 of the Tribunals and Inquiries Act 1992, and after consultation with the Council on Tribunals, hereby makes the following Rules:

Extent

Preamble: England, Wales

✓ Law In Force

1. Citation and commencement

These Rules may be cited as the Transport and Works (Inquiries Procedure) Rules 2004 and shall come into force on 23rd August 2004.

Commencement

rule 1: August 23, 2004

Extent

rule 1: England, Wales



2.— Interpretation

(1) In these Rules references to sections are references to sections of the Transport and Works Act 1992, and—

“address” includes any number or address used for the purposes of electronic transmission;
 “applicant” means any person who has submitted an application to the Secretary of State in accordance with rules made under section 6; or, in the case where the Secretary of State has made a proposal for an order under section 7, the Secretary of State;

“application” means an application under section 6 for an order under section 1 or 3 or the publication of a notice by the Secretary of State of a proposal to make such an order by virtue of section 7;

“assessor” means a person appointed by the Secretary of State to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the Secretary of State may specify;

“by local advertisement” means, in relation to the publication of a notice, by publication of the notice in at least one newspaper circulating in the locality, or each of the localities, in which the land to which an application relates is situated;

“document” includes a photograph, map or plan;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“inquiry” means a public local inquiry to which these Rules apply by virtue of rule 3;

“inspector” means a person appointed by the Secretary of State to hold an inquiry or a re-opened inquiry;

“mediator” means a person appearing to the Secretary of State to have been trained in mediation techniques by an independent mediation organisation and who is appointed by the Secretary of State to undertake mediation under rule 12;

“official body” means a Minister of the Crown or a government department;

“official case” means a written statement by an official body setting out full particulars of its evidence in regard to an application;

“official representation” means a written objection or representation made by an official body in regard to an application;

“order” means an order under section 1 or 3;

“outline statement” means a written statement of the principal submissions which a person proposes to put forward at an inquiry;

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and where more than one such meeting is held references to the conclusion of the pre-inquiry meeting are references to the conclusion of the final meeting;

“registration form” means a form for completion by interested parties who wish to participate in an inquiry to which rule 6 applies;

“relevant notice” means the Secretary of State's written notice under rule 4 that an inquiry is to be held;

“starting date” means the date of the relevant notice;

“statement of case” means a written statement containing full particulars of the case which a person proposes to put forward at an inquiry (including, where that person is the applicant,

the reasons for submitting the application), together with a list of any documents which that person intends to refer to or put in evidence;

“statement of common ground” means a written statement prepared jointly by the applicant and any other party who wishes to participate in the inquiry, which contains factual information agreed between those persons about any proposal which is the subject of the application in question;

“statement of matters” means a statement by the Secretary of State of the matters about which he particularly wishes to be informed for the purposes of his consideration of the order in question;

“statutory body” means a body, not being an official body, which has been given by a public general Act functions relevant to the subject matter of the application;

“statutory objector” means a person within section 11(4);

“technical adviser” means a person appearing to the Secretary of State to have such qualifications and experience as are sufficient to enable him to conduct an expert assessment of scientific or technical evidence to be given to the inquiry and who is appointed by the Secretary of State for that purpose under rule 11.

(2) Where the Secretary of State is the applicant these Rules shall be construed so as not to require that—

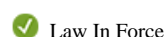
- (a) the Secretary of State shall serve a document upon himself, or
- (b) he shall consult or agree with himself upon any matter, or
- (c) any other person shall serve a document upon the Secretary of State more than once.

Commencement

rule 2(1)-(2)(c): August 23, 2004

Extent

rule 2(1)-(2)(c): England, Wales



Law In Force

3.— Application of Rules

(1) These Rules shall apply in relation to any inquiry which is caused to be held pursuant to section 11—

- (a) by the National Assembly for Wales¹ for the purposes of an application relating solely to Wales; or
- (b) by the Secretary of State for the purposes of all other applications relating to England and Wales.

(2) In these Rules, references to the Secretary of State shall mean the National Assembly for Wales where an inquiry is to be held in relation to an application made to that Assembly.

Notes

¹ The functions of the Secretary of State under section 11 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). See article 2 and the entry in Schedule 1 for the Transport and Works Act 1992.

Commencement

rule 3(1)-(2): August 23, 2004

Extent

rule 3(1)-(2): England, Wales



Law In Force

4.— Preliminary action to be taken by the Secretary of State

(1) Where the Secretary of State intends to cause an inquiry to be held, he shall, not later than 4 weeks after the date specified in paragraph (2), give written notice of that intention to the applicant, to each statutory objector, to any statutory body which has submitted an objection (unless such objection has been withdrawn) and to any official body which has made an official representation.

(2) The date referred to in paragraph (1) is—

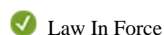
- (a) in the case of an application to which section 9 applies, the date on which each House of Parliament passes a resolution under section 9(4) (or, if there are two such dates, the later of them); and
- (b) in every other case, the date of expiry of the period within which an objection to the application may be made.

Commencement

rule 4(1)-(2)(b): August 23, 2004

Extent

rule 4(1)-(2)(b): England, Wales



Law In Force

5. Preliminary action to be taken by official bodies

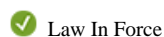
Where an official body has made an official representation it shall (unless it has already done so) serve upon the Secretary of State, the applicant and any statutory objector an official case within 6 weeks of the starting date.

Commencement

rule 5: August 23, 2004

Extent

rule 5: England, Wales



6.— Special procedure for major inquiries where Secretary of State causes a pre-inquiry meeting to be held

- (1) The Secretary of State may cause a pre-inquiry meeting to be held where it appears to him that this would be desirable because of the extent of interest in the inquiry and where he does so this rule applies.
- (2) The Secretary of State shall serve with the relevant notice a notification of his intention to cause a pre-inquiry meeting to be held, a statement of matters and a registration form, which form shall include the address to which, and date by which, completed forms are to be returned and which shall request the following information—
 - (a) the name, address and telephone number of the person registering;
 - (b) the name, address and telephone number of any agent, or, in the case of an organisation, of the contact person;
 - (c) whether or not the person registering has an interest in any land which will be affected by the application;
 - (d) whether or not the person or organisation registering is likely to want to be represented formally and to play a major part in the inquiry;
 - (e) if not, whether or not the person registering will wish to give oral evidence at the inquiry or will wish only to submit representations in writing.
- (3) The applicant shall, not later than 3 weeks after the starting date, publish by local advertisement a notice of the Secretary of State's intention to cause a pre-inquiry meeting to be held.
- (4) The notice published pursuant to paragraph (3) shall include the text of the statement of matters and shall state that persons interested in participating in the inquiry should obtain from the Secretary of State a copy of the registration form.
- (5) The applicant shall, not later than 8 weeks after the starting date, serve on the Secretary of State and on each statutory objector an outline statement.
- (6) The applicant shall include in the outline statement the text of any official case supplied under rule 5 upon which he wishes to rely, and shall, not later than 8 weeks after the starting date, serve a copy of that statement on the official body concerned.
- (7) When required to do so by notice in writing from the Secretary of State—
 - (a) any statutory objector; and
 - (b) any other person who has notified him of any intention or wish to appear at the inquiry,
 shall within 8 weeks from the date of such notice serve upon the Secretary of State, on the applicant and on any other person specified in such notice, an outline statement.
- (8) The pre-inquiry meeting (or, where there is more than one, the first pre-inquiry meeting) shall be held not later than 16 weeks after the starting date.
- (9) The Secretary of State shall give not less than 3 weeks' written notice of the date, time and location of the pre-inquiry meeting to the applicant, each statutory objector and any other person whose presence at the pre-inquiry meeting seems to him to be desirable.
- (10) The Secretary of State may require the applicant to take, in relation to notification of the pre-inquiry meeting, one or more of the steps mentioned in rule 13(6).

(11) The inspector shall preside at the pre-inquiry meeting and shall determine the matters to be discussed and the procedure to be followed; and he may require any person present at the pre-inquiry meeting who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return or to attend any further pre-inquiry meeting, or may permit him to return or attend only on such conditions as he may specify.

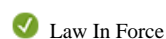
(12) The inspector may at any time hold such other meetings (including pre-inquiry meetings) as he considers necessary for the efficient and expeditious conduct of the inquiry and he shall arrange for such notice to be given of such meetings as appears to him necessary; and paragraph (11) shall apply to such meetings.

Commencement

rule 6(1)-(12): August 23, 2004

Extent

rule 6(1)-(12): England, Wales



Law In Force

7.— Service of statements of case, etc

(1) The applicant shall not later than—

- (a) 6 weeks after the starting date; or
- (b) where a pre-inquiry meeting is held pursuant to rule 6, 4 weeks after the conclusion of that meeting,

serve a statement of case on the Secretary of State and on each statutory objector and each person who is required to serve a statement of case under paragraph (3).

(2) In addition to the statement of case served under paragraph (1), the applicant shall serve—

- (a) upon the Secretary of State a copy of every document or the relevant part of any document which he intends to refer to or put in evidence and of the notice mentioned in sub-paragraph (b), and
- (b) upon each statutory objector and each person who is required to serve a statement of case under paragraph (3) a notice giving the names of all places, within each area in which the proposals contained in the application are to have effect (or as close as reasonably possible to any such area), where a copy of every document or the relevant part of any document which the applicant intends to refer to or put in evidence may be inspected free of charge at all reasonable hours until the date of commencement of the inquiry.

(3) When required by notice in writing from the Secretary of State to do so—

- (a) a statutory objector; or
- (b) any other person who has notified him of an intention or wish to appear at the inquiry,

shall within 6 weeks from the date of such notice or, where a pre-inquiry meeting is held pursuant to rule 6, no later than 4 weeks after the conclusion of that meeting, serve a statement of case on the Secretary of State, on the applicant and on any other person specified in such notice and the Secretary of State shall notify the applicant forthwith of the name and address of each person required to serve a statement of case.

(4) In addition to the statement of case served under paragraph (3), every person mentioned in paragraph (3)(a) and (b) shall serve upon the Secretary of State and the applicant a copy of every document or the relevant part of any document which such person intends to refer to or put in evidence unless copies of the document or part of the document are available for inspection pursuant to paragraph (9).

(5) Any person who has served a statement of case in accordance with this rule shall—
 (a) when required by notice in writing from the Secretary of State or the inspector provide such further information about the matters contained in the statement as the Secretary of State or the inspector may specify; and
 (b) at the same time send a copy of such further information to any other person on whom the statement of case has been served.

(6) Unless a statement of matters has already been served pursuant to rule 6(2), the Secretary of State shall, within 12 weeks from the starting date, serve such a statement on the applicant, each statutory objector and any person from whom he has required a statement of case.

(7) The Secretary of State may amend a statement of matters served under paragraph (6) or rule 6(2) at any time up to 6 weeks before the commencement of the inquiry.

(8) Any person who has served a statement of case in accordance with this rule and who wishes to comment on another person's statement of case shall, not later than 6 weeks before the date fixed for the commencement of the inquiry, send further comments in writing to the Secretary of State, the applicant and the person whose statement of case is the subject of the comment if that person is not the applicant.

(9) The applicant shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and subject to payment by that person of a reasonable charge, take copies of any statement or document which, or a copy of which, has been served on or by him in accordance with any of the preceding paragraphs of this rule; and shall specify in his statement of case the time and place at which the opportunity will be afforded.

Commencement

rule 7(1)-(9): August 23, 2004

Extent

rule 7(1)-(9): England, Wales



Law In Force

8.— Further power of inspector to hold pre-inquiry meetings

(1) Where no pre-inquiry meeting is held pursuant to rule 6, the inspector may hold one if he thinks it desirable.

(2) The inspector shall arrange for not less than 2 weeks' written notice of a meeting pursuant to paragraph (1) to be given to the applicant, each statutory objector, any other person known at the date of the notice to be entitled to appear at the inquiry, and any other person whose presence at the meeting appears to him to be desirable.


(3) Rule 6(11) shall apply to a meeting held under this rule.

Commencement

rule 8(1)-(3): August 23, 2004

Extent

rule 8(1)-(3): England, Wales

 Law In Force

9.— Inquiry timetable


- (1) Where a pre-inquiry meeting is held pursuant to rule 6, the inspector shall at that meeting—
 - (a) propose a timetable for the proceedings at, or at part of, the inquiry, and
 - (b) specify the date by which any proof of evidence and summary sent in accordance with rule 16(1) shall be received by him,
 and shall arrange for written notice to be given of the date so specified to every person entitled to appear at the inquiry.
- (2) The inspector shall arrange—
 - (a) after the conclusion of a pre-inquiry meeting held pursuant to rule 6 for a copy of the timetable for the proceedings to be sent to the Secretary of State for approval; and
 - (b) following such approval for a copy of the timetable for the proceedings to be sent to every person entitled to appear at the inquiry.
- (3) The inspector may subsequently vary the timetable mentioned in paragraph (2) but he shall not do so before the start of the inquiry without the approval of the Secretary of State.
- (4) Where a pre-inquiry meeting is held pursuant to rule 8 the inspector may arrange a timetable for the proceedings at, or at part of, the inquiry and may at any time vary the timetable.
- (5) An inspector may specify in a timetable arranged under paragraph (4) a date by which any proof of evidence and summary required by rule 16(1) to be sent to him shall be so sent.

Commencement

rule 9(1)-(5): August 23, 2004

Extent

rule 9(1)-(5): England, Wales

 Law In Force

10.— Notification of appointment of assessor

- (1) Where the Secretary of State appoints an assessor, he shall notify the persons specified in rule 14(1) of the assessor's name and of the matters on which he is to advise the inspector.

Commencement

rule 10(1): August 23, 2004

Extent

rule 10(1): England, Wales



Law In Force

11.— Appointment of technical adviser

(1) This rule applies where the Secretary of State has caused a pre-inquiry meeting to be held in pursuance of rule 6.

(2) If it appears to the Secretary of State that evidence to be given to the inquiry is, or is likely to be, of such a technical or scientific nature that the inquiry would be conducted more efficiently and expeditiously if an expert assessment of that evidence were to be made, he may at any time appoint a technical adviser for that purpose.

(3) Where the Secretary of State appoints a technical adviser he may in writing require the applicant to publish by local advertisement and within such period as he may specify a notice stating the name of the person so appointed and specifying the evidence to be assessed.

(4) The technical adviser shall assess the evidence so specified and shall report his assessment in writing to the inspector, identifying any areas of disagreement between the parties and stating his view of the significance of such disagreement.

(5) The inspector shall within 7 days of receipt of the technical adviser's report arrange for a copy to be sent to every person entitled to appear at the inquiry.

(6) The technical adviser shall give evidence on his report to the inquiry and shall be subject to cross-examination to the same extent as any other witness.

(7) The inspector may allow the technical adviser to alter or add to his report so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any such alteration or addition.

Commencement

rule 11(1)-(7): August 23, 2004

Extent

rule 11(1)-(7): England, Wales



Law In Force

12.— Mediation

(1) This rule applies where the Secretary of State has caused a pre-inquiry meeting to be held in pursuance of rule 6.

(2) If it appears to the Secretary of State that—

- (a) there is an absence of agreement between persons entitled to appear at the inquiry on a matter which is relevant to the inquiry;
- (b) the inquiry would be conducted more efficiently and expeditiously if agreement could be reached in relation to that matter or any disagreement in relation to it could be defined and narrowed; and
- (c) such a result is capable of being achieved by mediation,

then he may, after consulting such persons entitled to appear at the inquiry as he considers appropriate, appoint a mediator for that purpose.

(3) Where the Secretary of State appoints a mediator he may in writing require the applicant to publish by local advertisement and within such period as he may specify a notice stating the name of the person so appointed and the matter in relation to which he is to mediate.

(4) The mediator shall determine the procedure for the mediation.

(5) Within 7 days from the conclusion of the mediation, the mediator shall give to the inspector a report describing the mediation procedure and its outcome and the inspector shall upon receipt of that report arrange for a copy to be sent to every person entitled to appear at the inquiry.

(6) The inspector shall permit any person entitled to appear at the inquiry to address him on the report referred to in paragraph (5), but the mediator shall not give evidence at the inquiry.

Commencement

rule 12(1)-(6): August 23, 2004

Extent

rule 12(1)-(6): England, Wales



Law In Force

13.— Date and notification of inquiry

(1) The date fixed by the Secretary of State for the commencement of an inquiry shall be determined in consultation with the applicant but shall be—

- (a) not later than 22 weeks after the starting date; or
- (b) in a case where a pre-inquiry meeting is held pursuant to rule 6, not later than 8 weeks after the conclusion of the meeting; or
- (c) where the Secretary of State is satisfied that in all the circumstances of the case it is impracticable to hold the inquiry within the applicable period mentioned in sub-paragraph (a) or (b), the earliest practicable date after the end of that period.

(2) The place at which the inquiry is to be held shall be determined by the Secretary of State in consultation with the applicant and where the Secretary of State is satisfied, having regard to the

nature of the application, that it is reasonable to do so he may direct that it shall be held at more than one place.

(3) Unless the Secretary of State agrees to a lesser period of notice with the applicant and each statutory objector, he shall give not less than 6 weeks' notice of the date, time and place fixed by him for the holding of an inquiry to every person specified in rule 14(1).

(4) The Secretary of State may—

- (a) vary the date fixed for the commencement of an inquiry whether or not the revised date is within the applicable period mentioned in paragraph (1), and
- (b) where a direction has been given under paragraph (2) vary the date of the holding of the inquiry at any place,

and paragraph (3) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(6) Unless the Secretary of State otherwise directs, and subject to paragraph (7), the applicant shall not later than 2 weeks before the date fixed for the commencement of an inquiry—

- (a) post a notice of the inquiry in a conspicuous place or (in the case of an application for an order making provision for land based linear works more than 5 kilometres in length) at intervals of not more than 5 kilometres on, or as close as reasonably practicable to, the land to which the powers sought in the application relate;
- (b) post a notice of the inquiry in one or more places where public notices are usually posted in the area in which the proposals contained in the application relate;
- (c) publish a notice of the inquiry by local advertisement in the area in which the proposals contained in the application are to have effect.

(7) Where a direction has been given under paragraph (2), paragraph (6) shall have effect with the substitution—

- (a) for references to the inquiry, of references to the part of the inquiry which is to be held at a place specified in the direction; and
- (b) for references to the application, of references to that part of the application which is to be the subject of that part of the inquiry.

(8) Any notice posted pursuant to paragraph (6)(a) or (b) shall be readily visible to and legible by members of the public provided that where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the commencement of the inquiry, he shall be treated as having complied with the requirements of those sub-paragraphs if he has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(9) Any notice of inquiry posted or published pursuant to paragraph (6) shall contain a statement of the date, time and place of the inquiry, and of the relevant section under which the application has been made, together with a sufficient description of the proposals in the application to identify their location with or without reference to a specified map.

Commencement

rule 13(1)-(9): August 23, 2004

Extent

rule 13(1)-(9): England, Wales

✓ Law In Force

14.— Appearances at inquiry

(1) The persons entitled to appear at an inquiry are—

- (a) the applicant;
- (b) any statutory objector;
- (c) any other person who has served an outline statement under rule 6 or a statement of case under rule 7.

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at an inquiry, and such permission shall not be unreasonably withheld.

(3) Any person entitled or permitted to appear may do so on his own behalf or be represented by any other person.

Commencement

rule 14(1)-(3): August 23, 2004

Extent

rule 14(1)-(3): England, Wales

✓ Law In Force

15.— Representation of official bodies at inquiry

(1) An official body which has provided an official case shall arrange for its representative to attend the inquiry if the official body has received, not later than 4 weeks before the date fixed for the holding of any inquiry, a written request for such attendance from the Secretary of State, the applicant or a statutory objector.

(2) A person attending an inquiry as a representative in pursuance of this rule shall give evidence and be subject to cross-examination to the same extent as any other witness.

(3) Nothing in paragraph (2) shall require a representative of an official body to answer any question which in the opinion of the inspector is directed to the merits of government policy or, in the case of any inquiry into an application to which section 9 applies, the merits of a resolution passed pursuant to section 9(4).

Commencement

rule 15(1)-(3): August 23, 2004

Extent

rule 15(1)-(3): England, Wales



Law In Force

16.— Proofs of evidence

(1) A person entitled to appear at an inquiry who proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence shall send to the inspector a copy of the proof and (subject to paragraph (2)) a written summary of it.

(2) No written summary shall be required where the proof which it is proposed to read contains no more than 1500 words.

(3) The proof and summary shall be sent to the inspector not later than—

(a) 4 weeks before the date fixed for the commencement of the inquiry; or

(b) where a timetable has been arranged pursuant to rule 9, which specifies a date by which the proof and summary shall be sent to the inspector, that date.

(4) Where the applicant sends a proof and a summary to an inspector in accordance with paragraph (1), he shall at the same time send a copy to every other person specified in rule 14(1); and where any other person so sends such a proof and summary he shall at the same time send a copy to the applicant.

(5) Unless paragraph (2) applies, only the summary shall be read at the inquiry unless the inspector permits or requires otherwise.

(6) Subject to paragraph (7), any person required by this rule to send a proof to any other person shall send with it a copy of the whole, or the relevant part, of any document referred to in it, unless copies of the document or part of the document in question are already available for inspection pursuant to rule 7(9).

(7) Where any person has confirmed to the applicant in writing that he does not wish to be sent a copy of, or a copy of part of, a proof, summary or other document that the applicant is required to send, the applicant shall not be required to send him that document or the relevant part of it.

(8) The applicant shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of any document sent to or by him in accordance with any of the preceding paragraphs of this rule.

Commencement

rule 16(1)-(8): August 23, 2004

Extent

rule 16(1)-(8): England, Wales

✓ Law In Force

17.— Statement of common ground

(1) Where practicable, the applicant and any other party who wishes to participate in the inquiry may together prepare an agreed statement of common ground, and where this is done the applicant shall send a copy of such statement to the inspector no later than 4 weeks before the date fixed for the commencement of the inquiry.

(2) The applicant shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and on payment of a reasonable charge, take copies of any statement of common ground prepared under paragraph (1).

Commencement

rule 17(1)-(2): August 23, 2004

Extent

rule 17(1)-(2): England, Wales

✓ Law In Force

18.— Procedure at inquiry

(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) Unless in any particular case the inspector with the consent of the applicant otherwise determines, the applicant shall begin and shall have the right of final reply and other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(3) Persons specified in rule 14(1) shall be entitled to call evidence, and the applicant and the statutory objectors shall be entitled to cross-examine persons giving evidence, but, subject to paragraphs (2), (4), (5) and (6), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the inspector's discretion.

(4) The inspector may refuse to permit—

- (a) the giving or production of evidence,
- (b) the cross-examination of persons giving evidence, or
- (c) the presentation of any other matter

which he considers to be irrelevant or repetitious but, where he refuses to permit the giving of oral evidence for these reasons, the person wishing to give evidence may submit to him in writing any such evidence or other matter before the close of the inquiry.

(5) Where a person gives evidence at an inquiry by reading a summary in accordance with rule 16(5), the proof referred to in rule 16(1) and the documents referred to in rule 16(6) shall, unless the person required to provide the summary notifies the inspector that he now wishes to rely on the contents of that summary only, be treated as tendered in evidence, and the person whose evidence

the proof contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(6) The inspector may direct the applicant to provide facilities so that any person appearing at an inquiry may take or obtain copies of documentary evidence open to public inspection, subject to such a person paying to the applicant a reasonable charge for the use of the facilities.

(7) The inspector may require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave and may refuse to permit that person to return, or may permit him to return only on such conditions as he may specify; but any such person may submit to him in writing any evidence or other matter before the close of the inquiry.

(8) The inspector may refuse to permit the cross-examination of persons giving evidence, or may require such cross-examination to cease, if it appears to him that permitting such cross-examination or allowing it to continue (as the case may be) would have the effect that the timetable referred to in rule 9 could not be met.

(9) The inspector may allow any person to alter or add to a statement of case served under rule 7 so far as may be necessary for the purpose of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person specified in rule 14(1) an adequate opportunity of considering any fresh matter or document.

(10) The inspector may proceed with an inquiry in the absence of any person specified in rule 14(1).

(11) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry provided that he discloses it at the inquiry.

(12) The inspector may from time to time adjourn an inquiry and

- (a) if at the inquiry he announces the date, time and place for reconvening the adjourned inquiry no further notice shall be required, but
- (b) if he makes no such announcement he shall give such notice as he considers reasonable and appropriate.

(13) Any person who appears at an inquiry and makes a closing submission shall by the close of the inquiry provide the inspector with a copy of his closing submission in writing.

Commencement

rule 18(1)-(13): August 23, 2004

Extent

rule 18(1)-(13): England, Wales

 Law In Force

19.— Site inspections

(1) The inspector may make an unaccompanied inspection of any site to which the application relates before or during an inquiry without giving notice of his intention to the persons specified in rule 14(1).

(2) The inspector may, during an inquiry or after its close, inspect such a site in the company of a representative of the applicant and any statutory objector; and he shall make such an inspection if so requested by the applicant or by any statutory objector before or during an inquiry.

(3) In all cases where the inspector intends to make an inspection of the kind referred to in paragraph (2) he shall announce during the inquiry the date and time at which he proposes to make it.

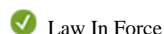
(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

Commencement

rule 19(1)-(4): August 23, 2004

Extent

rule 19(1)-(4): England, Wales



Law In Force

20.— Procedure after inquiry

(1) After the close of an inquiry, the inspector shall make a report in writing to the Secretary of State, which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(2) Where an assessor has been appointed, he may, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise.

(3) Where an assessor makes a report in accordance with paragraph (2), the inspector shall append it to his own report and shall state in his own report how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(4) When making his decision the Secretary of State may disregard any written representations, evidence or any other document received after the close of the inquiry.

(5) If, after the close of an inquiry, the Secretary of State—

(a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or

(b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying such of the persons specified in rule 14(1) who appear to him to be likely to be affected thereby, and who have appeared at the inquiry, of his disagreement and the reasons for it; and affording them an opportunity either of making written representations to him within 3 weeks of the date of the notification, or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking within that period for the re-opening of the inquiry.

(6) If, after the close of an inquiry relating to an application in respect of which the appropriate resolutions have been passed under section 9(4), the Secretary of State is disposed to seek the

approval of each House of Parliament to modified proposals by means of a resolution in accordance with section 9(5), he shall not do so without first—

- (a) notifying any person who appears to him to be likely to be affected by the modification;
- (b) giving that person an opportunity of making written representations to him about the modifications within such period (which shall not be less than 3 weeks) as he may specify in the notice; and
- (c) considering any representation duly made to him.

(7) The Secretary of State may, as he thinks fit, cause an inquiry to be re-opened, and he shall do so if asked by the applicant or a statutory objector in the circumstances and within the period mentioned in paragraph (5); and where an inquiry is re-opened (whether by the same or a different inspector)—

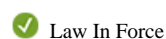
- (a) the Secretary of State shall send to the persons specified in rule 14(1) who appeared at the inquiry a written statement of the matters in respect to which further evidence is invited; and
- (b) paragraphs (2) to (9) of rule 13 shall apply,
 - (i) as if references to an inquiry were references to a re-opened inquiry, but with the substitution in paragraph (3) of “4 weeks” for “6 weeks”; and
 - (ii) as if the words “whether or not the revised date is within the applicable period mentioned in paragraph (1)” were omitted from paragraph (4)(a).

Commencement

rule 20(1)-(7)(b)(ii): August 23, 2004

Extent

rule 20(1)-(7)(b)(ii): England, Wales



Law In Force

21.— Notification of decision

(1) Where the Secretary of State has published and given notice of his decision under section 14 and a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a copy of the inspector's conclusions and any recommendations made by him.

(2) Subject to paragraph (3) if a person entitled to be notified of the decision under section 14 has not received a copy of the inspector's report, he shall be supplied with a copy of it on written application to the Secretary of State.

(3) Any person applying to the Secretary of State under paragraph (2) shall send his application to the Secretary of State within 4 weeks of the date of the Secretary of State's decision.

(4) In this rule “inspector's report” includes any assessor's report appended to it but does not include any other documents so appended, but any person who has received a copy of the inspector's report may apply to the Secretary of State in writing, within 6 weeks of the date of the Secretary of State's decision, for an opportunity of inspecting any such documents and the Secretary of State shall afford him that opportunity.

Commencement

rule 21(1)-(4): August 23, 2004

Extent

rule 21(1)-(4): England, Wales

✓ Law In Force

22.— Procedure following quashing of decision

(1) Where a decision of the Secretary of State on an application in respect of which an inquiry has been held is quashed in proceedings before any court, the Secretary of State—

- (a) shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further representations are invited for the purpose of his further consideration of the application;
- (b) shall afford to those persons the opportunity of making written representations to him in respect of those matters or of asking for the re-opening of the inquiry; and
- (c) may, as he thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector) and if he does so paragraphs (2) to (9) of rule 13 shall apply,
 - (i) as if references to any inquiry were references to a re-opened inquiry, but with the substitution in paragraph (3) of “4 weeks” for “6 weeks”; and
 - (ii) as if the words “whether or not the revised date is within the applicable period mentioned in paragraph (1)” were omitted from paragraph (4)(a).

(2) Any persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) shall submit such representations or requests to the Secretary of State within 3 weeks of the date of the written statement sent under paragraph (1)(a).

Commencement

rule 22(1)-(2): August 23, 2004

Extent

rule 22(1)-(2): England, Wales

✓ Law In Force

23. Allowing further time

The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Rules, and references in these Rules to a day by which, or a period within which, any step is required or enabled to be taken shall be construed accordingly.

Commencement

rule 23: August 23, 2004

Extent

rule 23: England, Wales



Law In Force

24.— Service of notices

(1) Notices or documents required or authorised to be served or sent under any of the provisions of these Rules may be sent—

- (a) by post; or
- (b) subject to paragraphs (2) to (5), by electronic transmission.

(2) Where a notice or other document required to be served or sent for the purposes of these Rules is served or sent by electronic transmission the requirement shall be taken to be fulfilled where the recipient of the notice or other document to be transmitted has given his consent to the use of electronic transmission either in writing or by electronic transmission.

(3) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that he requires a paper copy of all or any part of that notice or other document the sender shall provide such a copy as soon as reasonably practicable.

(4) A person may revoke his consent to the use of electronic transmission in accordance with paragraph (5).

(5) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of these Rules he shall—

- (a) give notice in writing or by electronic transmission revoking any consent given by him for that purpose; and
- (b) such revocation shall be final and shall take effect on a date specified by the person in the notice but that date shall not be less than 7 days after the date on which the notice is given.

Commencement

rule 24(1)-(5)(b): August 23, 2004

Extent

rule 24(1)-(5)(b): England, Wales



25.— Revocation, savings and transitional provisions

(1) Subject to paragraph (2), the Transport and Works (Inquiries Procedure) Rules 1992 (“the 1992 Rules”) are hereby revoked.

(2) Subject to paragraph (3), any application to which the 1992 Rules applied which has not been determined on the date when these Rules came into force shall continue to be subject to the 1992 Rules.

(3) Where a decision of the Secretary of State on an application to which the 1992 Rules applied is subsequently quashed in proceedings before any court, the decision shall be re-determined in accordance with these Rules.

Commencement

rule 25(1)-(3): August 23, 2004

Extent

rule 25(1)-(3): England, Wales



Falconer of Thoroton, C
Department for Constitutional Affairs

Dated 25th July 2004

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed in connection with public local inquiries held under the section 11 of the Transport and Works Act 1992 (“the 1992 Act”). These relate to applications for orders under Part I of the 1992 Act authorising—

- (a) the construction or operation of railways, tramways, trolley vehicle systems and other systems of guided transport (as prescribed under section 2 of the 1992 Act) and matters ancillary thereto;
- (b) the construction and operation of inland waterways and matters ancillary thereto;
- (c) the carrying out of certain works which interfere with navigation and have been prescribed pursuant to section 4 of the 1992 Act.

The Rules extend to England and Wales. They replace, with amendments, and revoke subject to transitional provisions, the Transport and Works (Inquiries Procedure) Rules 1992 (S.I. 1992/2817).

A Regulatory Impact Assessment has been prepared in relation to these Rules. It has been placed in the Library of each House of Parliament and copies may be obtained from The TWA Orders Unit, the Department for Transport, 9th Floor, Southside, 105 Victoria Street, London SW1E 6DT.

Modifications

Provision	Modification	Notes	Further Information
rule 13(2)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(3)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(4)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(5)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		

	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(6)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(7)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(8)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
rule 13(9)	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(i)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 20(7)(b)(ii)		
	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(i)		

	Transport and Works (Inquiries Procedure) Rules 2004/2018, rule 22(1)(c)(ii)		
--	--	--	--

Table of Contents

Transport and Works (Inquiries Procedure) Rules 2004/2018.....	<u>1</u>
Preamble	<u>1</u>
✓ rule 1 Citation and commencement.....	<u>1</u>
✓ rule 2 Interpretation.....	<u>1</u>
✓ rule 3 Application of Rules.....	<u>3</u>
✓ rule 4 Preliminary action to be taken by the Secretary of State.....	<u>4</u>
✓ rule 5 Preliminary action to be taken by official bodies.....	<u>4</u>
✓ rule 6 Special procedure for major inquiries where Secretary of State causes a pre-inquiry meeting to be held.....	<u>4</u>
✓ rule 7 Service of statements of case, etc.....	<u>6</u>
✓ rule 8 Further power of inspector to hold pre-inquiry meetings.....	<u>7</u>
✓ rule 9 Inquiry timetable.....	<u>8</u>
✓ rule 10 Notification of appointment of assessor.....	<u>8</u>
✓ rule 11 Appointment of technical adviser.....	<u>9</u>
✓ rule 12 Mediation.....	<u>9</u>
✓ rule 13 Date and notification of inquiry.....	<u>10</u>
✓ rule 14 Appearances at inquiry.....	<u>12</u>
✓ rule 15 Representation of official bodies at inquiry.....	<u>12</u>
✓ rule 16 Proofs of evidence.....	<u>13</u>
✓ rule 17 Statement of common ground.....	<u>14</u>
✓ rule 18 Procedure at inquiry.....	<u>14</u>
✓ rule 19 Site inspections.....	<u>15</u>
✓ rule 20 Procedure after inquiry.....	<u>16</u>
✓ rule 21 Notification of decision.....	<u>17</u>
✓ rule 22 Procedure following quashing of decision.....	<u>18</u>
✓ rule 23 Allowing further time.....	<u>18</u>
✓ rule 24 Service of notices.....	<u>19</u>
✓ rule 25 Revocation, savings and transitional provisions.....	<u>19</u>
✓ Signatures	<u>20</u>
Explanatory Note	<u>20</u>
para. 1	<u>20</u>
Modifications.....	<u>22</u>
Table of Contents.....	<u>25</u>