STATUTORY INSTRUMENTS

2018 No. 253

ACQUISITION OF LAND, ENGLAND AND WALES

The Compulsory Purchase of Land (Written Representations Procedure) (Ministers) (Miscellaneous Amendments and Electronic Communications) Regulations 2018

Made - - - -	*26th February 2018*
Laid before Parliament	*28th February 2018*
Coming into force - -	*6th April 2018*

The Secretary of State, in exercise of the powers conferred by sections 7(2), 13A(2) and (6) and 13B(7) of, and paragraph 4A(2) and (7) of Schedule 1 to, the Acquisition of Land Act 1981(**1**) and sections 8 and 9 of the Electronic Communications Act 2000(**2**), makes the following Regulations.

The Secretary of State considers that the authorisation by these Regulations of the use of electronic communications for any purpose is such that the extent (if any) to which records of things done for the purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

PART 1

Preliminary matters

Citation and commencement

1.—(1) These Regulations may be cited as the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) (Miscellaneous Amendments and Electronic Communications) Regulations 2018.

(**1**) 1981 c. 67; sections 13A and 13B and paragraph 4A of Schedule 1 were inserted by sections 100(1) and (6) and 101(1) and (4) of the Planning and Compulsory Purchase Act 2004 (c. 5). Some, but not all, of the functions of the Secretary of State in authorising the compulsory purchase of land in Wales were transferred to the National Assembly for Wales by S.I. 1999 / 672. These functions were subsequently transferred from the National Assembly to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) 2000 c. 7. For the purposes of sections 8 and 9, the Secretary of State is "the appropriate Minister" in relation to matters under the Acquisition of Land Act 1981 (c. 67).

(2) These Regulations come into force on 6th April 2018.

Application

2.—(1) Subject to the following paragraphs, the amendments made by these Regulations apply only in relation to—

(a) a compulsory purchase order(**3**) which is submitted by an acquiring authority(**4**) for confirmation in accordance with section 2(2)(b) of the Acquisition of Land Act 1981(**5**) on or after 6th April 2018; or

(b) a draft compulsory purchase order in respect of which a Minister publishes a notice under paragraph 2(1) of Schedule 1 to that Act on or after that date.

(2) Paragraph (1) does not apply to—

(a) regulation 7 in so far as it inserts regulation 11 into the 2004 Regulations;

(b) the amendments made by regulation 8(3).

(3) Regulation 7, in so far as it inserts regulation 11 into the 2004 Regulations, only applies in relation to a decision notified under regulation 10(1) of the 2004 Regulations which is quashed, in full or in part, in proceedings before any court on or after 6th April 2018.

(4) The amendments made by regulation 8(3) only apply in relation to a consent form which is sent to a remaining objector under regulation 3(1) of the 2004 Regulations on or after 6th April 2018.

Interpretation

3. In these Regulations—

"the 2004 Regulations" means the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004(**6**);

"remaining objector" means a person who has a remaining objection within the meaning of section 13A of the Acquisition of Land Act 1981 or, as the case may be, paragraph 4A of Schedule 1 to that Act.

PART 2

Miscellaneous Amendments

Amendment to regulation 2

4. In regulation 2(1) (interpretation) of the 2004 Regulations, after "references to Schedule 1" insert ", except in the closing words of regulation 3(1),".

Amendment to regulation 3

5. In regulation 3(1) (consent to follow written representations procedure) of the 2004 Regulations, for "the Schedule" substitute "Schedule 1".

(**3**) For the definition of "compulsory purchase order", *see* section 7(1) of the Acquisition of Land Act 1981 (c. 67).
(**4**) For the definition of "acquiring authority", *see* section 7(1) of the Acquisition of Land Act 1981 (c. 67).
(**5**) Section 2(2) was substituted by section 181(1) and (3) of the Housing and Planning Act 2016 (c. 22).
(**6**) S.I. 2004/2594.

Amendment to regulation 8

6. In regulation 8(1) (site inspections) of the 2004 Regulations, after "at any time" insert "within the period of fifteen weeks beginning with the starting date".

Insertion of new regulations 11 and 12

7. After regulation 10 (notification of decision) of the 2004 Regulations, insert—

"**Procedure following quashing of decision**

11.—(1) Where a decision notified under regulation 10(1) is quashed, in full or in part, in proceedings before any court, the authorising authority must send to—

(a) the acquiring authority (where it is not the authorising authority),

(b) each remaining objector,

(c) any other person permitted to make representations under regulation 6,

a written statement of the matters with respect to which further representations are invited for the purposes of the further consideration of the compulsory purchase order by the authorising authority.

(2) On receipt of a written statement under paragraph (1), a person may—

(a) make written representations to the authorising authority in respect of the matters mentioned in the statement; or

(b) give written notice to the authorising authority of the withdrawal of any consent previously provided by that person to the use of the written representations procedure for the purposes of section 13A or (as the case may be) paragraph 4A of Schedule 1.

(3) Those persons giving notice or making representations under paragraph (2) must ensure that the notice or representations are received by the authorising authority within 3 weeks beginning with the date of the written statement sent under paragraph (1).

Application of the Regulations where a person is appointed under section 14D

12.—(1) Where a person is appointed under section 14D(**7**), these Regulations have effect subject to the modifications in Schedule 2.

(2) Where a person's appointment under section 14D is revoked, these Regulations have effect without the modifications in Schedule 2 and any step taken or thing done before the revocation, which could be taken or done under the Regulations (without the modifications), is to have effect as if it had been taken or done under these Regulations (without the modifications).".

Amendments to the Schedule

8.—(1) The Schedule to the 2004 Regulations is amended as follows.

(2) For the heading "Schedule", substitute "Schedule 1".

(3) In the form of consent to the written representations procedure—

(**7**) Section 14D of the Acquisition of Land Act 1981 (c. 67) was inserted by section 181(2) of the Housing and Planning Act 2016 (c. 22).

(a) in the fifth paragraph, after "heard orally at an inquiry" insert "(unless the decision as to whether to [confirm][make](c) the order is subsequently quashed in proceedings before any court)";

(b) in the seventh paragraph, for the words from "[Compulsory Purchase by Non-Ministerial" to the end of the sentence substitute "Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I. 2007/3617).".

Insertion of new Schedule 2

9. After Schedule 1 (as renumbered by regulation 8(2) of these Regulations) to the 2004 Regulations, insert the Schedule 2 set out in the Schedule to these Regulations.

PART 3

Electronic communications

Amendments to regulation 2

10.—(1) Regulation 2 (interpretation) of the 2004 Regulations is amended as follows.

(2) In paragraph (2)—

(a) after the definition of "authorising authority" insert—

""electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(**8**);";

(b) in the definition of "send"—

(i) the words from "by" to the end become sub-paragraph (a);

(ii) after that sub-paragraph, insert "or" and the following sub-paragraph—

"(b) by electronic communication to such address as may for the time being be specified by the recipient for that purpose;".

(3) After paragraph (2), insert—

"(3) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being carried out electronically—

(a) except in sub-paragraph (a) of the definition of "send" in paragraph (2), the expression "address" includes any number or address used for the purposes of such communications;

(b) references to representations, statements, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give, send, return or supply any representations, statement, notice or other document to any other person ("the recipient").

(5) The requirement is to be taken to be fulfilled where the document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(**8**) Section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).