STATUTORY INSTRUMENTS

2017 No. 105

INFRASTRUCTURE PLANNING

The Infrastructure Planning (Compulsory Acquisition) (Amendment) Regulations 2017

Made - - - -	*6th February 2017*
Laid before Parliament	*7th February 2017*
Coming into force - -	*23rd February 2017*

The Secretary of State, in exercise of the powers conferred by sections 134(7), 232(3) and 235(1)(**1**) of the Planning Act 2008(**2**), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Infrastructure Planning (Compulsory Acquisition) (Amendment) Regulations 2017 and come into force on 23rd February 2017.

(2) The amendments made by regulation 2(2) and (4) apply only in relation to an order granting development consent which is made on or after 23rd February 2017.

Amendments to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

2.—(1) The Infrastructure Planning (Compulsory Acquisition) Regulations 2010(**3**) are amended as follows.

(2) For regulation 3 (prescribed forms in connection with authorisation of compulsory acquisition), substitute—

"**Prescribed forms etc in connection with authorisation of compulsory acquisition**

3.—(1) For the purposes of section 134(7), the prescribed form of a compulsory acquisition notice is Form A in Schedule 1 to these Regulations.

(**1**) See the definition of "prescribed".
(**2**) 2008 c. 29. Section 134(7)(ca) was inserted by the Localism Act 2011 (c. 20), section 142(1) and (3). Section 134(7)(cza) was inserted by S.I. 2017/16.
(**3**) S.I. 2010/104, amended by S.I. 2012/635; there are other amending instruments but none are relevant.

(2) For the purposes of section 134(7)(cza)(i), the prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981(**4**) is set out in Part 1 of Form B in Schedule 1 to these Regulations.

(3) For the purposes of section 134(7)(cza)(ii), the prescribed form for giving information to the prospective purchaser(**5**) is Part 2 of Form B in Schedule 1 to these Regulations.".

(3) After regulation 3 (prescribed forms in connection with authorisation of compulsory acquisition) insert—

"**Review**

3A.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in regulation 3 and the associated forms (Forms A and B), and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 23rd February 2022.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**6**) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).".

(4) For Schedule 1, substitute Schedule 1 set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State
Department for Communities and Local Government

6th February 2017

(**4**) 1981 c. 66.
(**5**) See the definition of "prospective purchaser" in section 134(2) of the Planning Act 2008 (c. 29).
(**6**) 2015 c. 26.

SCHEDULE Regulation 2(4)

"SCHEDULE 1 Regulation 3

FORM A
NOTICE OF COMPULSORY ACQUISITION UNDER SECTION 134(7) OF THE PLANNING ACT 2008

[THE *(a)* DEVELOPMENT CONSENT ORDER]
[*(b)*]

NOTICE OF AUTHORISATION OF COMPULSORY ACQUISITION

The above order, made under the Planning Act 2008 by the Secretary of State for [*(c)*] and published on [*(d)*], includes provision authorising the compulsory acquisition [of land] [existing rights over land] [of a right over land by creating a new right over it] *(e)* as described in [the Schedule] [Schedule 1] *(e)*.

The order includes provision authorising the acquisition for the purpose of [*(f)*].

A copy of the order has been deposited at [*(g)*] and may be inspected at all reasonable hours.

A person aggrieved by the order may challenge the order only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review during the period of 6 weeks beginning with the day on which the order was published (or, if later, the day on which the statement of reasons for making the order is published).

[*(h)* Once the provision in the order authorising compulsory acquisition comes into force, the [*(i)*] may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2.

Any person who would be entitled to claim compensation if a general vesting declaration were executed is invited to give [*(i)*] at [*(j)*] information about the person's name, address and interest in land, using a prescribed form. The prescribed form is set out in Schedule 3.]

SCHEDULE [1]

DESCRIPTION OF THE [LAND] [EXISTING RIGHTS] [AND] [THE NEW RIGHTS] *(e)* *(k)*

[SCHEDULE 2
STATEMENT ON THE EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981
(l)]

[SCHEDULE 3
FORM FOR GIVING INFORMATION
(m)]

[Date and signature]

Notes

(a) Insert the title of the order.

(b) Where the notice is to be affixed, the notice should be addressed at this point to persons occupying or having an interest in the land in question.

(c) Insert the title of the relevant Secretary of State.

(d) Insert the date on which the order was published.

(e) Delete material which is inapplicable.

(f) Insert the purpose of the acquisition.

(g) Insert the address at which a copy of the order may be inspected.

(h) Where the order applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, insert the information in these two paragraphs. Otherwise, delete this material.

(i) Insert the name of the prospective purchaser.

(j) Insert the address of the prospective purchaser where the information should be sent.

(k) Insert a description of all the land and/or existing or new rights described in the order. This need not repeat any relevant Schedule to the order itself, but must be in terms which enable the reader to appreciate what is included. If the details of the existing or new rights are lengthy, a summary may be included

(l) Where the order applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, insert the statement in Part 1 of Form B.

(m) Where the order applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, insert the form for giving information in Part 2 of Form B.