STATUTORY INSTRUMENTS

2017 No. 16

ACQUISITION OF LAND, ENGLAND AND WALES

The Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017

Made - - - - 12th January 2017

Coming into force in accordance with regulation 1(2)

A draft of these Regulations has been laid before Parliament in accordance with section 214(2)(o) of the Housing and Planning Act 2016(**1**), and has been approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by section 214(6) of, and paragraph 8(1) of Schedule 15, to that Act, makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) These Regulations extend to England and Wales only.

Amendment of enactments relating to compulsory purchase

2. The Schedule to these Regulations amends enactments relating to compulsory purchase.

(**1**) 2016 c.22.

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

Gavin Barwell
Minister of State
Department for Communities and Local Government

12th January 2017

SCHEDULE Regulation 2

AMENDMENT OF ENACTMENTS RELATING TO COMPULSORY PURCHASE

Pipe-lines Act 1962

1.—(1) Schedule 2 to the Pipe-lines Act 1962(**2**) (applications for grant of compulsory purchase orders) is amended as follows.

(2) In paragraph 7 (notice after compulsory purchase order has been made), after sub-paragraph (2) insert—

"(3) Sub-paragraphs (4) to (6) apply if—

(a) a compulsory purchase order authorises the compulsory acquisition of land in England or Wales, and

(b) the person in whose favour the order is made is a person to whom section 1 of the Compulsory Purchase (Vesting Declarations) Act 1981(**3**) applies.

(4) The person in whose favour the compulsory purchase order has been made must serve the notice mentioned in sub-paragraph (2) on any person who, if Part 2 of the Acquisition of Land Act 1981(**4**) applied to the acquisition, would be entitled to a notice under section 12 of that Act (notice to owners, lessees and occupiers).

(5) The notice must—

(a) contain a prescribed 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 that Act in relation to the land (a "claimant") to give the person in whose favour the compulsory purchase order has been made information about the claimant's name, address and interest in land, using a prescribed form.

(6) The person in whose favour the compulsory purchase order has been made 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."

(3) In paragraph 10 (modification of compulsory purchase order provisions to apply to compulsory rights orders), after sub-paragraph (6) insert—

"(6A) Sub-paragraphs (3) to (6) of paragraph 7 shall be omitted."

(4) The amendments made by this paragraph apply only in relation to a compulsory purchase order made after this paragraph comes into force.

Harbours Act 1964

2.—(1) In Schedule 3 to the Harbours Act 1964(**5**) (procedure for making harbour revision and empowerment orders), in paragraph 24 (notice that harbour revision order has been made etc.), after sub-paragraph (2) insert—

"(2A) Sub-paragraphs (2B) to (2F) apply where a harbour revision order—

(a) authorises the compulsory acquisition of land in England or Wales, and

(**2**) 1962 c.58 (10 & 12 Eliz. 2).
(**3**) 1981 c. 66.
(**4**) 1981 c. 67.
(**5**) 1964 c.40; Schedule 3 was substituted by S.I. 1999/3445. Paragraph 24 was amended by S.S.I. 2011/396 and by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(1) and (5)(k) and (l).

(b) applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 to the acquisition.

(2B) The applicant must serve the notice on 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).

(2C) 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 applicant information about the person's name, address and interest in land, using a form set out in the notice.

(2D) The statement referred to in sub-paragraph (2C)(a) must be the same as the relevant statement prescribed under section 15(4)(e) of the Acquisition of Land Act 1981, subject to any necessary modifications.

(2E) The form mentioned in sub-paragraph (2C)(b) must be the same as the relevant form that is prescribed under section 15(4)(f) of the Acquisition of Land Act 1981, subject to any necessary modifications.

(2F) The applicant 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.

(2G) For the purposes of sub-paragraphs (2D) and (2E), a statement or a form is "relevant"—

(a) where the harbour revision order is made by the Welsh Ministers, if it was prescribed by the Welsh Ministers, or

(b) where the harbour revision order is made by the Secretary of State, if it was prescribed by the Secretary of State."

(2) The amendment made by this paragraph applies only in relation to a harbour revision order, a harbour empowerment order or a closure order made after this paragraph comes into force.

Forestry Act 1967

3.—(1) In Schedule 5 to the Forestry Act 1967(**6**) (compulsory purchase: procedure etc.), in paragraph 7 (notice after compulsory purchase order has been made), after sub-paragraph (2) insert —

"(2A) Sub-paragraphs (2B) to (2H) apply where a compulsory purchase order authorises the compulsory purchase of land in England or Wales.

(2B) The appropriate national authority must serve the notice mentioned in sub-paragraph (1) on any person who, if Schedule 1 to the Acquisition of Land Act 1981 applied to the acquisition, would be entitled to a notice under paragraph 3 of that Schedule (notice to owners, lessees and occupiers).

(2C) 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)

(**6**) 1967 c.10.