STATUTORY INSTRUMENTS

2017 No. 3

ACQUISITION OF LAND, ENGLAND

The Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017

Made - - - -	*9th January 2017*
Laid before Parliament	*11th January 2017*
Coming into force - -	*3rd February 2017*

The Secretary of State, in exercise of the powers conferred by sections 2(1)(**1**), 4(1) and 6(1) of the Compulsory Purchase (Vesting Declarations) Act 1981(**2**), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017 and come into force on 3rd February 2017.

(2) These Regulations apply in relation to the compulsory purchase of land in England only.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Compulsory Purchase (Vesting Declarations) Act 1981;

"relevant order" means an order which provides that the Act is to apply to the compulsory purchase of land which it authorises as if the order were a compulsory purchase order; and

"special enactment" means—

(a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act, or

(b) a provision which—

(i) is contained in an Act other than a local or private Act, and

(ii) authorises the compulsory purchase of land specifically identified in that Act.

(**1**) See the definition of "prescribed". The function of the Secretary of State under section 2(1) to prescribe by regulations, so far as exercisable in relation to Wales, was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). This function was 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**) 1981 c. 66; section 4(1) was amended by section 184 of the Housing and Planning Act 2016 (c. 22). Section 6(1) was amended by section 183 of, and paragraphs 4 and 7 of Schedule 15 to, the Housing and Planning Act 2016.

(2) Any reference in these Regulations to a numbered form is a reference to the form bearing that number in the Schedule or to a form substantially to the same effect as that form.

(3) For the purposes of these Regulations, a compulsory purchase of land is authorised—

(a) by a compulsory purchase order, on the day on which the order is confirmed by a Minister or another authority, or made by a Minister;

(b) by an order under section 1 or 3 of the Transport and Works Act 1992(**3**), on the day on which the Secretary of State determines under section 13(1) of that Act to make the order;

(c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(**4**), on the day on which the order is made by a Minister or a person who is designated in an order made under section 42A of that Act(**5**);

(d) by any other relevant order, on the day on which the order is made by a Minister; or

(e) by a special enactment(**6**), on the day on which the special enactment is enacted.

Prescribed forms in connection with general vesting declarations

3.—(1) This regulation applies only in relation to a compulsory purchase of land which is authorised on or after 3rd February 2017.

(2) The prescribed forms in relation to the provisions of the Act mentioned below are as follows—

(a) for the purposes of section 4(1), the form of general vesting declaration is Form 1;

(b) for the purposes of section 6(1), the form of notice specifying the land and stating the effect of a general vesting declaration is Form 2.

Review

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

(a) carry out a review of regulations 1 to 3,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by regulations 1 to 3,

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

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this regulation must be published before the end of the period of five years beginning with 3rd February 2017.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(**3**) 1992 c. 42. An order made under section 1 or 3 of the Transport and Works Act 1992 which authorises compulsory acquisition may provide that the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) ("the Act") applies as if the order were a compulsory purchase order.

(**4**) 1964 c. 40. An order under the Harbours Act 1964 which authorises compulsory acquisition may provide that the Act applies as if the order were a compulsory purchase order.

(**5**) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).

(**6**) A special enactment may provide that the Act applies as if the enactment were a compulsory purchase order.

Revocation and savings

5.—(1) Subject to paragraph (2), the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990(**7**) are revoked in relation to England.

(2) The Regulations mentioned in paragraph (1) are to continue to have effect in relation to a compulsory purchase of land which is authorised before 3rd February 2017.

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

Gavin Barwell
Minister of State
Department for Communities and Local Government

9th January 2017

(**7**) S.I. 1990/497.

SCHEDULE Regulation 2(2) and 3(2)

Regulation 3(2)(a)

FORM 1
FORM OF GENERAL VESTING DECLARATION

This GENERAL VESTING DECLARATION is executed on the day of 20 by (*a*) ("the Authority").

WHEREAS:
(1) On 20 an order entitled the was [made] [confirmed] by (*b*) under the powers conferred on [him] [her] [them] by the Act (*c*) authorising the Authority to acquire the land specified in the Schedule hereto.

(2) Notice of the [making] [confirmation] of the order was first published in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981] (*d*) on 20 .

(3) That notice included the statement and form prescribed under [section 15(4)(e) and (f) of the Acquisition of Land Act 1981] [paragraph 6(4)(e) and (f) of Schedule 1 to the Acquisition of Land Act 1981] (*e*).

NOW THIS DEED WITNESSETH that, in exercise of the powers conferred on them by section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"), the Authority hereby declare—

[1.] The land described in [Part 1 of (*f*)] the Schedule hereto (being [the whole] [part] of the land authorised to be acquired by the order) and more particularly delineated on the plan annexed hereto, together with the right to enter and take possession of the land shall vest in the Authority as from the end of the period of [insert period of 3 months or longer] from the date on which the service of notices required by section 6 of the Act is completed.

[2. For the purposes of section 2(2) of the Act, the specified period [in relation to the land comprised in the declaration is years and months] [in relation to each area of land specified in column 1 of Part 2 of the Schedule hereto is that stated with respect to that area in column 2.]

SCHEDULE

(*g*)