STATUTORY INSTRUMENTS

2017 No. 2

ACQUISITION OF LAND, ENGLAND AND WALES

The Compulsory Purchase of Land (Prescribed Forms) (Ministers) (Amendment) Regulations 2017

Made - - - -	*9th January 2017*
Coming into force - -	*3rd February 2017*

The Secretary of State, in exercise of the powers conferred by sections 7(2) and 15(4)(e) and (f) and (5) of, and paragraph 6(4)(e) and (f) and (5) of Schedule 1 to, the Acquisition of Land Act 1981(**1**), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Compulsory Purchase of Land (Prescribed Forms) (Ministers) (Amendment) Regulations 2017 and come into force on 3rd February 2017.

(2) The amendments made by regulation 2(2) and (4) apply only in relation to a compulsory purchase order which is confirmed by a Minister or another authority, or made by a Minister, on or after 3rd February 2017.

Amendments to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

2.—(1) The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004(**2**) are amended as follows.

(2) In regulation 3 (prescribed forms in connection with compulsory purchase orders), after paragraph (d) insert—

(**1**) 1981 c. 67; section 15(5) and paragraph 6(5) of Schedule 1 were inserted by sections 100(1) and (7) and 101(1) and (5) of the Planning and Compulsory Purchase Act 2004 (c. 5). Section 15(4)(e) and (f) of, and paragraph 6(4)(e) and (f) of Schedule 1 to, the Acquisition of Land Act 1981 were inserted by paragraphs 1, 2(1) and (2), and 3(1) and (2) of Schedule 15 to the Housing and Planning Act 2016 (c. 22). 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 the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). These functions were subsequently transferred from the National Assembly for Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) S.I. 2004/ 2595.

"(da) for the purposes of section 15(4)(e) and paragraph 6(4)(e) of Schedule 1, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981(**3**) shall be Part 1 of Form 9A;

(db) for the purposes of section 15(4)(f) and paragraph 6(4)(f) of Schedule 1, the form for giving information to the authority shall be Part 2 of Form 9A;".

(3) After regulation 3 (prescribed forms in connection with compulsory purchase orders) insert—

"**Review**

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

(a) carry out a review of regulation 3(da), (db) and (e) and the associated forms (Forms 9A, 10 and 11),

(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 regulation 3(da), (db) and (e),

(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.".

(4) In the Schedule—

(a) in the contents, after the entry for Form 9, insert—

"Form 9A	Form of statement of effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 and for giving information to the authority."

(b) after Form 9, insert the form in Part 1 of the Schedule to these Regulations;

(c) for Form 10, substitute the form in Part 2 of the Schedule to these Regulations;

(d) for Form 11, substitute the form in Part 3 of the Schedule to these Regulations.

(**3**) 1981 c. 66.

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

SCHEDULE

Regulation 2(4)(b)

PART 1

FORM 9A

PART 1(*a*) Regulation 3(da)

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once the order 20 (*b*) has become operative, the (hereinafter called) (*c*) may acquire any of the land described in Schedule 1 above (*d*) by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the (*c*) at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the (*c*) execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the [confirmation] [making] notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the (*c*) together with the right to enter on the land and take possession of it. Every person on whom the (*c*) could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.
3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that the (*c*) may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

PART 2(*a*) Regulation 3(db)

FORM FOR GIVING INFORMATION

The Compulsory Purchase Order 20

To: (*c*)

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

1. Name and address of informant(s) (i) .....

2. Land in which an interest is held by informant(s) (ii) .....

3. Nature of interest (iii) .....

Signed.. .....

[on behalf of]. .....

Date ... .

(i) In the case of a joint interest insert the names and addresses of all the informants.

(ii) The land should be described concisely.

(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.