WELSH STATUTORY INSTRUMENTS

2004 No. 2732 (W.239)

ACQUISITION OF LAND, WALES

The Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004

Made - - - -	*19 October 2004*
Coming into force - -	*31 October 2004*

The National Assembly for Wales ("the National Assembly"), in exercise of its powers in sections 7(2), 10(2), 11(1) and (3), 12(1), 15(5) and 22 of, and paragraphs 2(1) and (3), 3(1) and 6(5) of Schedule 1 and paragraph 9 of Schedule 3 to, the Acquisition of Land Act 1981 ("the Act")(**1**), and all other powers enabling it in that behalf, hereby makes the following Regulations(**2**):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004 and come into force on 31 October 2004.

(2) These Regulations apply to a compulsory purchase order which is—

(a) subject to confirmation by the National Assembly under Part 2 of the Act and the acquiring authority has not, before the coming into force of these Regulations, published notice of the making of the compulsory purchase order pursuant to section 11(1) of the Act; or

(b) prepared in draft by the National Assembly under paragraph 1 of Schedule 1 to the Act and the National Assembly has not, before the coming into force of these Regulations, published notice of the preparation in draft of the compulsory purchase order pursuant to paragraph 2(1) of Schedule 1 to the Act.

Interpretation

2.—(1) In these Regulations—

"clearance compulsory purchase order" ("*gorchymyn prynu gorfodol clirio*") means a compulsory purchase order made pursuant to section 290 of the Housing Act 1985(**3**); and

(**1**) 1981 c. 67; sections 11(3) and 15(5) of, and paragraphs 2(3) and 6(5) of Schedule 1 to, the Act were inserted by the Planning and Compulsory Purchase Act 2004 (c. 5).

(**2**) The powers cited in these Regulations are, in relation to Wales, for the most part exercisable by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and sections 118(3) and 122(1) of the Planning and Compulsory Purchase Act 2004.

(**3**) 1985 c. 68; Part 9 of the 1985 Act is amended by Part 2 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).

"the Listed Buildings Act" ("*y Ddeddf Adeiladau Rhestredig*") means the Planning (Listed Buildings and Conservation Areas) Act 1990(**4**).

(2) Any reference in these Regulations to a numbered form is a reference to—

(a) the form bearing that number in the Schedule to these Regulations;

(b) a form adapted from that numbered form as may be required to meet the circumstances of a particular case; or

(c) a form substantially to the like effect as that form, whether adapted or not; and

(d) in relation to a form permitted by sub-paragraphs (a) to (c) above, that form in the English or Welsh language, or both.

(3) Any reference in these Regulations to a numbered section is a reference to that section of the Act and any reference to a numbered Schedule is a reference to that Schedule to the Act.

Prescribed forms in connection with compulsory purchase orders

3.—(1) For the purposes of section 10(2) of the Act, the form of a compulsory purchase order (other than a clearance compulsory purchase order) which must be used is—

(a) Form 1; or

(b) if the order provides for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act (commons, open spaces etc.), Form 2; or

(c) if the order does not provide for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 3.

(2) For the purposes of section 10(2), the form of a clearance compulsory purchase order which must be used is—

(a) Form 4; or

(b) if the order provides for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act (commons, open spaces etc.), Form 5; or

(c) if the order does not provide for the vesting of land given in exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 6.

(3) For the purposes of—

(a) section 11(1) of, and paragraph 2(1) of Schedule 1 to, the Act, the form of a newspaper notice; and

(b) section 11(3) of, and paragraph 2(3) of Schedule 1 to, the Act, the form of a notice to be affixed on or near the land comprised in the order,

which must be used is Form 7.

(4) Subject to regulation 4—

(a) for the purposes of section 12(1) of, and paragraph 3(1) of Schedule 1 to, the Act, the form of a notice to a qualifying person(**5**) which must be used is Form 8; or

(b) if the order is made under section 121 or 125 of the Local Government Act 1972(**6**) on behalf of a principal council(**7**) or community council, or pursuant to an agreement under

(**4**) 1990 c. 9.
(**5**) For the definition of "qualifying person", *see* section 12(2) of, and paragraph 3(2) of Schedule 1 to, the Acquisition of Land Act 1981.
(**6**) 1972 c. 70.
(**7**) For the definition of "principal council", *see* section 270 of the Local Government Act 1972.

section 8 of the Highways Act 1980(**8**) on behalf of a highway authority(**9**), the form which must be used is Form 9.

(5) For the purposes of section 15 of, and paragraph 6 of Schedule 1 to, the Act, the form of a confirmation notice(**10**) or making notice(**11**) which must be used is Form 10, except when confirmation is by the acquiring authority pursuant to section 14A of the Act, in which case the form which must be used is Form 11.

(6) For the purposes of section 22 of, and paragraph 9 of Schedule 3 to, the Act, the form of a newspaper notice stating that a certificate has been given under section 16 or 19 of, or paragraph 3 or 6 of Schedule 3 to, the Act which must be used is Form 12.

Additional provisions with respect to listed buildings

4. Where a compulsory purchase order is made under section 47 of the Listed Buildings Act (compulsory acquisition of listed buildings in need of repair), there must be included—

(a) in Form 1, where appropriate, the paragraph in that Form numbered 4;

(b) after the end of paragraph 2 of Form 8—

(i) in every case, the additional paragraphs in the notes to Form 8 numbered 3 and 5;

(ii) in any case where the notice is required by section 50(3) of the Listed Buildings Act (minimum compensation in the case of a building deliberately left derelict) to include a statement that the authority or National Assembly has included a direction for minimum compensation, the additional paragraph in the notes to Form 8 numbered 4,

and the remaining paragraphs are to be re-numbered accordingly.

Revocation

5. The Compulsory Purchase of Land Regulations 1994(**12**) are revoked to the extent that they would be applicable to a compulsory purchase order to which these Regulations apply.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**13**).

D.Elis-Thomas
19 October 2004 — The Presiding Officer of the National Assembly

(**8**) 1980 c. 66.
(**9**) For the definition of "highway authority", *see* section 1 of the Highways Act 1980.
(**10**) For the definition of "confirmation notice", *see* section 15(4) of the Acquisition of Land Act 1981.
(**11**) For the definition of "making notice", *see* paragraph 6(4) of Schedule 1 to the Acquisition of Land Act 1981.
(**12**) S.I. 1994/2145.
(**13**) 1998 c. 38.

SCHEDULE Regulation 2(2)

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Form 2	Compulsory purchase order (other than a clearance compulsory purchase order) providing for the vesting of exchange land.
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Form 4	Clearance compulsory purchase order.
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Form 6	Clearance compulsory purchase order not providing for the vesting of exchange land, but providing for the discharge of rights, trusts and incidents.
Form 7	Notice concerning a compulsory purchase order for newspaper publication and display on or near the land subject to the order.
Form 8	Notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order.
Form 9	Notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order made on behalf of a council.
Form 10	Notice of making or confirmation (other than by the acquiring authority) of a compulsory purchase order.
Form 11	Notice of confirmation by an acquiring authority of a compulsory purchase order.
Form 12	Newspaper notice of the giving of a certificate under section 16 or 19 of, or paragraph 3 or 6 of Schedule 3 to, the Acquisition of Land Act 1981.

FORM 1FORM OF COMPULSORY PURCHASE ORDER

Regulation 3(1)(a)

[THE ( )
COMPULSORY PURCHASE ORDER] *(a)*

The [ ] Act *(b)*
and the Acquisition of Land Act 1981

[The [ ] Act(s) *(b)*]

The [*(c)*] (in this order called "the acquiring authority") makes the following order-

1. Subject to the provisions of this order, the acquiring authority is, under [section of][and] [paragraph of Schedule to][the Act *(b)*], hereby authorised to purchase compulsorily [on behalf of the council *(d)*][the land][and][the new rights over land] *(e)* described in paragraph 2 for the purpose of [*(f)*].

2. [(1) The land authorised to be purchased compulsorily under this order is the land described in the Schedule hereto and delineated and shown [ ] on a map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in [*(a)*]".] *(g)*

[(2) The new rights to be purchased compulsorily over land under this order are described in the Schedule and the land is shown [*(g)*] on the said map.]

3. [Part[s] 2 [and 3] of Schedule 2 to the Acquisition of Land Act 1981 [is][are] hereby incorporated with this order subject to the modifications that .] *(h)*

[**4**. Under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act"), the acquiring authority makes the following direction, being satisfied that the listed building[s] authorised to be purchased compulsorily under this order ("the building[s]") [has][have] *(e)* been deliberately allowed to fall into disrepair for the purpose of justifying [its][their] *(e)* demolition and the development or redevelopment of the site or any adjoining site: for the purpose of assessing compensation and notwithstanding anything to the contrary in the Land Compensation Act 1961, the Town and Country Planning Act 1990 or the Listed Buildings Act, it is hereby directed that it is assumed that planning permission would not be granted for the development or redevelopment of the site of the Building[s] and that listed building consent would not be granted for any works for the demolition, alteration or extension of the Building[s], other than development or works necessary for restoring [it][them] to and maintaining [it][them] *(e)* in a proper state of repair.] *(u)*