Draft Order laid before Parliament under section 122(6) of the Planning and Compulsory Purchase Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No. XXXX

ACQUISITION OF LAND, ENGLAND AND WALES

The Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007

Made - - - - XXXX

Coming into force in accordance with article 1(1)

A draft of this Order has been laid before Parliament in accordance with section 122(6) of the Planning and Compulsory Purchase Act 2004(**1**), and has been approved by a resolution of each House of Parliament.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 110(2) and 122(3) of that Act:

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 and shall come into force on the day after that on which it is made.

(2) This Order extends to England and Wales only.

(3) The amendments made by this Order do not apply to, or in relation to, orders under any of the enactments specified in the Schedule to this Order (orders relating to the compulsory acquisition of, or of rights relating to, land) of which notice has been served before the coming into force of this Order.

Amendment of enactments

2. The Schedule to this Order shall have effect for the amendment of the enactments specified.

(**1**) 2004 c.5.

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

Parliamentary Under Secretary of State
Department for Communities and Local Government

Date

SCHEDULE

AMENDMENT OF ENACTMENTS

Military Lands Acts 1892 (c.43)

1. In section 2 of the Military Lands Act 1892 (machinery for purchase of land)—

(a) in subsection (5), for "every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased", substitute "every person who falls within subsection (5A)";

(b) after subsection (5), insert—

"(5A) A person falls within this subsection if he is—

(a) an owner, lessee, tenant (whatever the tenancy period) or occupier of any land intended to be so purchased;

(b) a person to whom the purchaser would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat; or

(c) a person who the purchaser thinks is likely to be entitled to make a claim for compensation under section 10 of that Act if the Provisional Order is confirmed and the purchase takes place, so far as he is known to the purchaser after making diligent inquiry"; and

(c) in subsection (7)(a), for "the owners, lessees and occupiers of land", substitute "the persons falling within subsection (5A)".

Requisitioned Land and War Works Act 1945 (c.43)

2. In section 17 of the Requisitioned Land and War Works Act 1945 (publication of proposed orders and reference to Commission)—

(a) in subsection (1), for paragraph (d), substitute—

"(d) in the case of an order authorising the compulsory acquisition of land, to be served on every person—

(i) who is an owner, lessee, tenant (whatever the tenancy period) or occupier of any of the land proposed to be compulsorily acquired;

(ii) to whom the Minister would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat; or

(iii) who the Minister thinks is likely to be entitled to make a claim for compensation under section 10 of that Act if the order is confirmed and the compulsory acquisition takes place, so far as he is known to the Minister after making diligent inquiry."; and

(b) in subsection (3)(e)—

(i) after "or "lessee"", insert "or "tenant""; and

(ii) after "or "occupier" of", insert ", or "person interested" in,".

Land Powers (Defence) Act 1958 (c.30)

3. In Schedule 2 to the Land Powers (Defence) Act 1958 (provisions with respect to certain orders), in Part 1 (procedure for making certain orders)—

(a) in paragraph 2(1), for the words from the beginning to "make the order; and" substitute—

"(1) Before making the order the Minister shall—

(a) prepare a draft order describing, by reference to a map, the land to which the draft order applies; and

(b) serve on every person—

(i) who is an owner, lessee, tenant (whatever the tenancy period) or occupier of any of that land;

(ii) to whom the Minister would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat; or

(iii) who the Minister thinks is likely to be entitled to make a claim for compensation under section 10 of that Act if the order is confirmed and the compulsory purchase takes place, so far as he is known to the Minister after making diligent inquiry,

notice that he proposes to make the order.";

(b) the words in paragraph 2(1) from "any such notice" to the end shall constitute sub-paragraph (1A) of paragraph 2; and

(c) in paragraph 3, for "any such owner, lessee or occupier as aforesaid" substitute "any such person as is mentioned in paragraph 2(1)(b)".

Pipe-lines Act 1962 (c.58)

4.—(1) In section 1 of the Pipe-lines Act 1962 (cross-country pipe-lines not to be constructed without the Minister's authority)—

(a) in subsection (5), for "every owner, lessee and occupier (other than tenants for a month or any period less than a month) of the land", substitute "every person who falls within subsection (6)"; and

(b) after subsection (5), insert—

"(6) A person falls within this subsection if he is—

(a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;

(b) a person to whom the applicant would, if it were proceeding to purchase that land under section 5(1) of the Compulsory Purchase Act 1965, be required to give notice to treat, or

(c) a person who the applicant thinks would be likely to be entitled to make a claim for compensation under section 10 of that Act if that land were purchased under a compulsory purchase order, so far as he is known to the applicant after making diligent inquiry.".

(2) In section 4 of that Act (power of Minister to secure the removal of works executed in contravention of section 1 or 2)—

(a) in subsection (3), for "every owner, lessee and occupier of the land (except tenants for a month or any period less than a month)", substitute "every person who falls within subsection (3A)"; and

(b) after subsection (3), insert—

"(3A) A person falls within this subsection if he is—

(a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;

(b) a person to whom the applicant would, if it were proceeding to purchase that land under section 5(1) of the Compulsory Purchase Act 1965, be required to give notice to treat, or

(c) a person who the applicant thinks would be likely to be entitled to make a claim for compensation under section 10 of that Act if the land were purchased under a compulsory purchase order, so far as he is known to the applicant after making diligent inquiry.".