

Statutory Instrument 2004 No. 2595

The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

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STATUTORY INSTRUMENTS

2004 No. 2595

ACQUISITION OF LAND, ENGLAND AND WALES

**The Compulsory Purchase of Land (Prescribed Forms) (Ministers)
Regulations 2004**

Made

4th October 2004

Coming into force

31st October 2004

The First Secretary of State, in exercise of the powers conferred upon him by 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^[1], and all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1. - (1) These Regulations may be cited as the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 and shall come into force on 31st October 2004.

(2) Subject to regulation 5, these Regulations apply to a compulsory purchase order -

(a) subject to confirmation under Part 2 of the Acquisition of Land Act 1981 by a confirming authority other than the National Assembly for Wales; or

(b) prepared in draft under paragraph 1 of Schedule 1 to that Act by an acquiring authority other than the National Assembly for Wales.

Interpretation

2. - (1) In these Regulations -

"the Act" means the Acquisition of Land Act 1981;

"clearance compulsory purchase order" means a compulsory purchase order made pursuant to section 290 of the Housing Act 1985^[2]; and

"the Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990^[3].

(2) Any reference in these Regulations -

(a) to a numbered section is to that section of the Act and to a numbered Schedule is to that Schedule to the Act; and

(b) to a numbered form is to the form bearing that number in the Schedule, or to a form adapted from that numbered form as required to meet the circumstances of a particular case, or to a form substantially to the same effect as that form, whether adapted or not.

Prescribed forms in connection with compulsory purchase orders

3. Subject to regulation 4, the prescribed forms in relation to the provisions of the Act mentioned below are as follows -

(a) for the purposes of section 10(2), the form of a compulsory purchase order (other than a clearance compulsory purchase order) shall be -

(i) Form 1; or

(ii) if the order provides for the vesting of land given in exchange pursuant to section 19 or paragraph 6 of Schedule 3 (commons,

open spaces etc.), Form 2; or

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

(b) for the purposes of section 10(2), the form of a clearance compulsory purchase order shall be -

(i) Form 4; or

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

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

(c) for the purposes of -

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

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

shall be Form 7;

(d) for the purposes of section 12(1) and paragraph 3(1) of Schedule 1, the form of a notice to a qualifying person^[4] shall be Form 8, or if the order is made under sections 121 or 125 of the Local Government Act 1972^[5] on behalf of a principal council^[6] or parish council, or pursuant to an agreement under section 8 of the Highways Act 1980^[7] on behalf of a highway authority^[8], Form 9;

(e) for the purposes of section 15(5) and paragraph 6(5) of Schedule 1, the form of a confirmation notice^[9] or making notice^[10] shall be Form 10, except that where confirmation is by the acquiring authority pursuant to section 14A, it shall be Form 11;

(f) for the purposes of section 22 and paragraph 9 of Schedule 3, 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 shall be 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 shall be included -

(a) in Form 1, where appropriate, the additional paragraph numbered 4 set out after the notes to that Form;

(b) in Form 8, after the end of paragraph 2, the additional paragraphs set out after the notes to that Form, as follows -

(i) the additional paragraph numbered 3 shall be included in every case;

(ii) the additional paragraph numbered 4 shall be included 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 Minister has included a direction for minimum compensation;

(iii) the additional paragraph numbered 5 shall be included in every case;

and the remaining paragraphs shall be re-numbered accordingly.

Revocation and transitional provision

5. - (1) Subject to paragraph (2), the Compulsory Purchase of Land Regulations 1994[[11](#)] ("the 1994 Regulations") are revoked.

(2) Where before the coming into force of these Regulations -

(a) notice of the making of a compulsory purchase order pursuant to section 11(1) has been published; or

(b) notice of the preparation in draft of the compulsory purchase order pursuant to paragraph 2(1) of Schedule 1 has been published,

the 1994 Regulations shall continue to apply in relation to that order as if these Regulations had not been made.

Signed by authority of the First Secretary of State

Keith Hill

Minister of State Office of the Deputy Prime Minister

4th October 2004

SCHEDULE

Regulation 2(2)(b)

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- Form 1 Compulsory purchase order (other than a clearance compulsory purchase order).
- 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 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.
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FORM 1

Regulation 3(a)(i)

FORM OF COMPULSORY PURCHASE ORDER

[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 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)

SCHEDULE

Table 1

Number on map (l) (1)	Extent, description and situation of the land (j) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (k) (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers

Table 2

Number on map (i) (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (l) (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (m) (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim

[(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely -

Number of map Special category (o)]

Date (p)

[Attestation Clause]

NOTES ON THE USE OF FORM 1

(a) Insert the title of the order, beginning with the name of the acquiring authority followed in brackets by the general location where the land to be acquired is situated. The words "Compulsory Purchase Order" and the year in which it is made should then follow.

(b) Insert the title and date of the Act authorising compulsory purchase. If the statutory grounds and purpose for acquisition as stated in paragraph 1 of the order are contained in some other Act, the title of the Act (or collective title) should be added as a sub-heading and in the order as an enabling power. In the case of orders under section 226(1) of the Town and Country Planning Act 1990 specify whichever of the paragraphs (a) or (b) is relied on and section 226(3)(a) or (b) must also be mentioned in a similar manner, if relied on.

(c) Insert the name of the acquiring authority.

(d) If the acquiring authority is acquiring on behalf of a county, district or parish council insert the full name of that council.

(e) Delete material which is inapplicable.

(f) Describe the purpose in precise terms. Where practicable the relevant words in the enabling Act should be inserted at the end of paragraph 1 of the order, followed by a description of the purpose in the particular circumstances.

(g) Describe the colour or other method used to identify the land on the map. The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly shown on the map. The map should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500, 1/1250 or 1/2500 as appropriate. If new rights are to be acquired, specify these by description in the Schedule. If new rights are being acquired, the land over which they are being acquired should be identified on the map in a different colour or format to land being compulsorily acquired. If new rights are being acquired under different powers from those being used in relation to the land, specify the powers.

(h) This paragraph may be omitted, or may be inserted with or without reference to Part 3 of Schedule 2 to the Acquisition of Land Act 1981. Schedule 2 permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required - for

example, "references in the said Part[s] 2 [and 3] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".

(i) Columns (1) and (4) need not be included where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc., on the map and referred to accordingly in columns (1) and (4).

(j) This column must contain sufficient detail to identify the land without reference to the map. If land in which the authority has an interest is shown, then insert "All interests in ... except those owned by the acquiring authority", except in the case of orders made under the Highways Act 1980 in reliance on section 260 of that Act (clearance of title to land acquired for statutory purposes) where the authority has already acquired the interest by agreement. If land in which the Crown has an interest is included and the relevant Crown authority has agreed to the inclusion of the non-Crown interests under the appropriate statutory power, for example, section 296 of the Town and Country Planning Act 1990, insert in this column "All interests in ... except those held by or on behalf of the Crown". Insert details of the relevant Crown interest in the appropriate column. If the Crown has agreed under section 327 of the Highways Act 1980 to its interests being compulsorily purchased, this special wording is not required.

(k) In the case of any land for which the acquiring authority intends to serve notice on an owner, lessee, tenant or occupier under section 6(4) of the Acquisition of Land Act 1981, enter "unknown" in the appropriate sub-columns of column (3). Tenants who are lessees (with leases of three years or more) should be listed in the lessees sub-column rather than the tenants sub-column.

(l) Insert in this column the name of any person who has an interest, not already included in columns (2) and (3), to whom the acquiring authority would be required to give a notice to treat if purchasing under section 5(1) of the Compulsory Purchase Act 1965. An example might be the inclusion in the order for the purchase under the particular provisions of the enabling Act of an easement over the land in the order. A description of the interest to be acquired should also be included.

(m) Insert in this column the name of any person whom the acquiring authority thinks is likely to be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection) in respect of any interest that person may have if the compulsory purchase takes place. An example might be the interference with a private right of access across the land included in the order, as a result of implementing the acquiring authority's proposals. A description of the interest should be included.

(n) The compulsory acquisition of land or new rights over land -

(i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the Acquisition of Land Act 1981;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;

(iii) which is held inalienably by the National Trust; or

(iv) forming part of a common or open space, or of a fuel or field garden allotment,

is subject to special provisions in sections 17 to 19 of, and Part 3 of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. (Section 17 will rarely apply as the class of excepted person in section 17(3) is very wide and includes local authorities.)

(o) In the column "Special Category", state which section of the Acquisition of Land Act 1981 applies, and the description of special category land.

(p) The order must be made under seal, duly authenticated and dated.

Additional paragraph for a compulsory purchase order made under section 47 of the Listed Building Act

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 shall be 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.

FORM 2

Regulation 3(a)(ii)

FORM OF COMPULSORY PURCHASE ORDER PROVIDING FOR THE VESTING OF EXCHANGE LAND

[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.

2. The [land][and][new rights] authorised to be purchased compulsorily under this order [is][are] - (e)

(i) for the purpose of [(f)] the [land][and][new rights] described in the Schedule 1 and which is delineated and shown [(g)] on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in [(a)]".(g)

(ii) for the purpose of giving in [part] exchange for [the new rights] [and] [the land] referred to in sub-paragraph (i) above the land described in Schedule 2 and delineated and 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.

(1) In this paragraph "the order land" means the land [numbered] [described] in Schedule 1 and "the exchange land" means the land described in Schedule[s][2][and][3].

(2) As from the latest of the dates mentioned in sub-paragraph (3) of this paragraph, the exchange land shall vest in the person[s] in whom the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to the order land; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.](s)

or

[4.

(1)

(a) In this paragraph "the order land" means the land [numbered] [described] in Schedule 1 and "the exchange land" means the land described in Schedule[s][2][and][3].

(b) For a plot of the exchange land, its corresponding plot of the order

land for the purposes of this paragraph is indicated in the last column of Table 2 in Schedule[s][2][and][3].

(2) In relation to each plot of the order land and the corresponding plot of the exchange land, as from the latest of the dates mentioned in sub-paragraph (3) of this paragraph, the corresponding plot of the exchange land shall vest in the person[s] in whom that plot of the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to that plot of the order land, and that plot of the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.](s)

[(3) The dates referred to in sub-paragraph (2) of this paragraph are -

(i) the date on which this order becomes operative;

(ii) the date on which the plot of the order land is vested in the acquiring authority;

(iii) the date on which the corresponding plot of the exchange land is vested in the acquiring authority.](s)

5.

[(1) In this paragraph "the rights" means the new rights described [at number] in Schedule 1 hereto, "the rights land" means the land over which those rights are to be acquired, and "the additional land" means the land described in Schedule[s][2][and][3].(r)]

[(2) As from the latest of the dates mentioned in sub-paragraph (3) of this paragraph, the additional land shall vest in the person[s] in whom the rights land is vested and subject to the like rights, trusts and incidents as attach to the rights land apart from this order; and the rights land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject to the extent that their continuance would be inconsistent with the exercise of the rights.](s)

or

[(2)

(a) This sub-paragraph applies where different parts of the rights land are vested in different persons, and for the purposes of this paragraph a plot of the rights land corresponds to the plot of the additional land next to the description of which in Schedule[s][2][and][3](r) the number of that plot is placed.

(b) In relation to each plot of the rights land and the corresponding plot of the additional land, as from the latest of the dates mentioned in sub-paragraph (3) of this paragraph, the corresponding plot of the additional land shall vest in the person[s] in whom the plot of the rights land was vested immediately before that date, subject to the like rights, trusts and incidents as attached to that plot of the rights land, and that plot of the

rights land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject to the extent that their continuance would be inconsistent with the exercise of the rights.](s)

[(3) The dates referred to in sub-paragraph (2) of this paragraph are -

(i) the date on which this order becomes operative;

(ii) the date on which the right or rights (if more than one) in the plot of the rights land is or are vested in the acquiring authority;

(iii) the date on which the corresponding plot of the additional land is vested in the acquiring authority.](s)

SCHEDULE 1

[LAND TO BE PURCHASED (EXCEPT EXCHANGE LAND OR ADDITIONAL LAND)] [AND] [NEW RIGHTS](r)

Table 1

Number on map (i) (1)	Extent, description and situation of the land (j) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (k) (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers

Table 2

Number on map (i) (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (l) (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (m) (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim

[SCHEDULE 2

THE [EXCHANGE] [AND] [ADDITIONAL] LAND TO BE PURCHASED AND VESTED

Table 1

Number on map <i>(i)</i> (1)	Extent, description and situation of the land <i>(j)</i> (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address <i>(k)</i> (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers

Table 2

Number on map <i>(i)</i> (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 <i>(l)</i> (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 <i>(m)</i> (6)		In exchange for - <i>(n)</i> (7)
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim	

[SCHEDULE 3

THE [EXCHANGE] [AND] [ADDITIONAL] LAND TO BE VESTED

Number on map <i>(i)</i> (1)	Extent, description and situation of land <i>(j)</i> (2)	In exchange for - <i>(n)</i> (3)

[(o) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely -

Number of map Special category (p)]

Date (q)

[Attestation Clause]

NOTES ON THE USE OF FORM 2

(a) Insert the title of the order, beginning with the name of the acquiring authority followed in brackets by the general location where the land to be acquired is situated. The words "Compulsory Purchase Order" and the year in which it is made should then follow.

(b) Insert the title and date of the Act authorising compulsory purchase. If the statutory grounds and purpose for acquisition as stated in paragraph 1 of the order are contained in some other Act, the title of the Act (or collective title) should be added as a sub-heading and in the order as an enabling power. In the case of orders under section 226(1) of the Town and Country Planning Act 1990 specify whichever of the paragraphs (a) or (b) is relied on and section 226(3)(a) or (b) must also be mentioned in a similar manner, if relied on.

(c) Insert the name of the acquiring authority.

(d) If the acquiring authority is acquiring on behalf of a county, district or parish council insert the full name of that council.

(e) Delete material which is inapplicable.

(f) Describe the purpose in precise terms. Where practicable the relevant words in the enabling Act should be inserted at the end of paragraph 1 of the order, followed by a description of the purpose in the particular circumstances.

(g) Describe the colour or other method used to identify the land on the map. The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly shown on the map. The map should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500, 1/1250 or 1/2500 as appropriate. If new rights are to be acquired, specify these by description in the Schedule. If new rights are being acquired, the land over which they are being acquired should be identified on the map in a different colour or format to land being compulsorily acquired. If new rights are being acquired under different powers from those being used in relation to the land, specify the powers.

(h) This paragraph may be omitted, or may be inserted with or without reference to Part 3 of Schedule 2 to the Acquisition of Land Act 1981. Schedule 2 permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required - for

example, "references in the said Part[s] 2 [and 3] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".

(i) Columns (1) and (4) need not be included where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc., on the map and referred to accordingly in columns (1) and (4).

(j) This column must contain sufficient detail to identify the land without reference to the map. If land in which the authority has an interest is shown, then insert "All interests in ... except those owned by the acquiring authority", except in the case of orders made under the Highways Act 1980 in reliance on section 260 of that Act (clearance of title to land acquired for statutory purposes) where the authority has already acquired the interest by agreement. If land in which the Crown has an interest is included and the relevant Crown authority has agreed to the inclusion of the non-Crown interests under the appropriate statutory power, for example, section 296 of the Town and Country Planning Act 1990, insert in this column "All interests in ... except those held by or on behalf of the Crown". Insert details of the relevant Crown interest in the appropriate column. If the Crown has agreed under section 327 of the Highways Act 1980 to its interests being compulsorily purchased, this special wording is not required.

(k) In the case of any land for which the acquiring authority intends to serve notice on an owner, lessee, tenant or occupier under section 6(4) of the Acquisition of Land Act 1981, enter "unknown" in the appropriate sub-columns of column (3). Tenants who are lessees (with leases of three years or more) should be listed in the lessees sub-column rather than the tenants sub-column.

(l) Insert in this column the name of any person who has an interest, not already included in columns (2) and (3), to whom the acquiring authority would be required to give a notice to treat if purchasing under section 5(1) of the Compulsory Purchase Act 1965. An example might be the inclusion in the order for the purchase under the particular provisions of the enabling Act of an easement over the land in the order. A description of the interest to be acquired should also be included.

(m) Insert in this column the name of any person whom the acquiring authority thinks is likely to be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection) in respect of any interest that person may have if the compulsory purchase takes place. An example might be the interference with a private right of access across the land included in the order, as a result of implementing the acquiring authority's proposals. A description of the interest should be included.

(n) Insert the relevant plot number, as shown in column (1) of Schedule 1, of land in respect of which each plot of exchange land is given. If the order relates to only one parcel of land, insert "the order land".

(o) The compulsory acquisition of land or new rights over land -

(i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the Acquisition of Land Act 1981;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;

(iii) which is held inalienably by the National Trust; or

(iv) forming part of a common or open space, or of a fuel or field garden allotment,

is subject to special provisions in sections 17 to 19 of, and Part 3 of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. (Section 17 will rarely apply as the class of excepted person in section 17(3) is very wide and includes local authorities.)

(p) In the column "Special Category", state which section of the Acquisition of Land Act 1981 applies, and the description of special category land.

(q) The order must be made under seal, duly authenticated and dated.

(r) Insert or delete as appropriate

(s) Insert paragraph 4 if land subject to common or other protected rights is being acquired for which exchange land is to be vested and/or paragraph 5 if new rights are being acquired and exchange land is to be vested for these (the first alternative paragraph 4 or 5(2) to be used where only one exchange will take place and the second alternative should be used if there is more than one exchange.

FORM 3

Regulation 3(a)(iii)

FORM OF COMPULSORY PURCHASE ORDER PROVIDING FOR THE DISCHARGE OF RIGHTS, TRUSTS AND INCIDENTS

[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 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.](g)

[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. [

(1) In this paragraph "the order land" means [the land referred to in paragraph 2][the land numbered in the Schedule].(q)

[(2) As from the date on which this order becomes operative or the date on which the order land, or any part of it, is vested in the acquiring authority whichever is the later, that land or that part of it which is vested (as the case may be) shall be discharged from all rights, trusts and incidents to which it was previously subject.](r)

[(3) As from the date on which this order becomes operative or the date on which any new right is vested in the acquiring authority, whichever is the later, the land over which the new rights is acquired shall be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of that new right.](r)

SCHEDULE

[LAND TO BE PURCHASED][AND][NEW RIGHTS](r)

Table 1

Number on map (i) (1)	Extent, description and situation of the land (j) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (k) (3)

		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers

Table 2

Number on map (i) (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (l) (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (m) (6)		
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim	

[(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely -

Number of map Special category (o)]

Date (p)

[Attestation Clause]

NOTES ON THE USE OF FORM 3

(a) Insert the title of the order, beginning with the name of the acquiring authority followed in brackets by the general location where the land to be acquired is situated. The words "Compulsory Purchase Order" and the year in which it is made should then follow.

(b) Insert the title and date of the Act authorising compulsory purchase. If the statutory grounds and purpose for acquisition as stated in paragraph 1 of the order are contained in some other Act, the title of the Act (or collective title) should be added as a sub-heading and in the order as an enabling power. In the case of orders under section 226(1) of the Town and Country Planning Act 1990 specify whichever of the paragraphs (a) or (b) is relied on and section 226(3)(a) or (b) must also be mentioned in a similar manner, if relied on.

(c) insert the name of the acquiring authority.

(d) If the acquiring authority is acquiring on behalf of a county, district or parish council insert the full name of that council.

(e) Delete material which is inapplicable.

(f) Describe the purpose in precise terms. Where practicable the relevant words in the enabling Act should be inserted at the end of paragraph 1 of the order, followed by a description of the purpose in the particular circumstances.

(g) Describe the colour or other method used to identify the land on the map. The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly shown on the map. The map should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500, 1/1250 or 1/2500 as appropriate. If new rights are to be acquired, specify these by description in the Schedule. If new rights are being acquired, the land over which they are being acquired should be identified on the map in a different colour or format to land being compulsorily acquired. If new rights are being acquired under different powers from those being used in relation to the land, specify the powers.

(h) This paragraph may be omitted, or may be inserted with or without reference to Part 3 of Schedule 2 to the Acquisition of Land Act 1981. Schedule 2 permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required - for example, "references in the said Part[s] 2 [and 3] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".

(i) Columns (1) and (4) need not be included where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc., on the map and referred to accordingly in columns (1) and (4).

(j) This column must contain sufficient detail to identify the land without reference to the map. If land in which the authority has an interest is shown, then insert "All interests in ... except those owned by the acquiring authority", except in the case of orders made under the Highways Act 1980 in reliance on section 260 of that Act (clearance of title to land acquired for statutory purposes) where the authority has already acquired the interest by agreement. If land in which the Crown has an interest is included and the relevant Crown authority has agreed to the inclusion of the non-Crown interests under the appropriate statutory power, for example, section 296 of the Town and Country Planning Act 1990, insert in this column "All interests in ... except those held by or on behalf of the Crown". Insert details of the relevant Crown interest in the appropriate column. If the Crown has agreed under section 327 of the Highways Act 1980 to its interests being compulsorily purchased, this special wording is not required.

(k) In the case of any land for which the acquiring authority intends to serve notice on an owner, lessee, tenant or occupier under section 6(4) of the Acquisition of Land Act 1981, enter "unknown" in the appropriate sub-columns of column (3). Tenants who are lessees (with leases of three years or more) should be listed in the lessees sub-column rather than the tenants sub-column.

(l) Insert in this column the name of any person who has an interest,

not already included in columns (2) and (3), to whom the acquiring authority would be required to give a notice to treat if purchasing under section 5(1) of the Compulsory Purchase Act 1965. An example might be the inclusion in the order for the purchase under the particular provisions of the enabling Act of an easement over the land in the order. A description of the interest to be acquired should also be included.

(m) Insert in this column the name of any person whom the acquiring authority thinks is likely to be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection) in respect of any interest that person may have if the compulsory purchase takes place. An example might be the interference with a private right of access across the land included in the order, as a result of implementing the acquiring authority's proposals. A description of the interest should be included.

(n) The compulsory acquisition of land or new rights over land -

(i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the Acquisition of Land Act 1981;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;

(iii) which is held inalienably by the National Trust; or

(iv) forming part of a common or open space, or of a fuel or field garden allotment,

is subject to special provisions in sections 17 to 19 of, and Part 3 of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. (Section 17 will rarely apply as the class of excepted person in section 17(3) is very wide and includes local authorities.)

(o) In the column "Special Category", state which section of the Acquisition of Land Act 1981 applies, and the description of special category land.

(p) The order must be made under seal, duly authenticated and dated.

(q) Insert or delete as appropriate.

(r) Insert sub-paragraph (3) of paragraph 4 instead of, or in addition to, sub-paragraph (2) of paragraph (4) (as appropriate) if new rights are being acquired instead of or in addition to land subject to protected rights and the protected rights are to be discharged without any land being vested in exchange.

FORM 4

Regulation 3(b)(i)

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER

[THE () (CLEARANCE AREA) COMPULSORY PURCHASE ORDER] (a)

The Housing Act 1985 and and the Acquisition of Land Act 1981

The [(b)] (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 290 of the Housing Act 1985, hereby authorised to purchase compulsorily for the purpose[s] of undertaking or otherwise securing the demolition of buildings in a clearance area [and][securing a cleared area of convenient shape and dimensions][and][the satisfactory development or use of the cleared area] (c) the land described in paragraph 2.

2. The land authorised to be purchased compulsorily under this order is -

(i) the land which is described in Part 1 of the Schedule and is delineated and shown coloured pink (d) on the map prepared in duplicate, and marked "Map referred to in [(a)]" which land was included in the [(e)] clearance area pursuant to a resolution of the acquiring authority passed on [(f)]; and

(ii) the land which is described in Part 2 of the Schedule and is delineated and shown coloured grey on the said map, which land is situated outside the [(e)] clearance area.

[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 (g).]

SCHEDULE

LAND TO BE PURCHASED

Table 1

Number on map (h) (1)	Extent, description and situation of the land (i) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (j) (3)			
		Owners	Lessees	Tenants or	Occupiers

		or reputed owners	or reputed lessees	reputed tenants (other than lessees)	
PART 1 - LANDS WITHIN THE CLEARANCE AREA					
PART 2 - LANDS OUTSIDE THE CLEARANCE AREA					

Table 2

Number on map (<i>h</i>) (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (<i>k</i>) (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (<i>l</i>) (6)		
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim	
PART 1 - LANDS WITHIN THE CLEARANCE AREA					
PART 2 - LANDS OUTSIDE THE CLEARANCE AREA					

[(*m*) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely -

Number of map Special category (*n*)]

Date (*o*)

[Attestation Clause]

NOTES ON THE USE OF FORM 4

(a) Insert the title of the order, beginning with the name of the acquiring authority followed in brackets by the general location where the land to be acquired is situated. The words "(Clearance Area) Compulsory Purchase Order" and the year in which it is made should then follow.

(b) Insert the name of the acquiring authority.

(c) Delete material which is inapplicable, depending on whether as well as section 290(1), section 290(2)(a) or (b) or both are applicable.

(d) The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly delineated. Further, the map itself should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500, 1/1250 or 1/2500 as appropriate. If new rights are to be acquired, specify these by description in the Schedule. If new rights are being acquired, the land over which they are being acquired should be identified on the map in a different colour or format to land being compulsorily acquired. If new rights are being acquired under different powers from those being used in relation to the land, specify the powers.

(e) State name of clearance area.

(f) Give date of relevant resolution.

(g) This paragraph may be omitted, or may be inserted with or without reference to Part 3 of Schedule 2 to the Acquisition of Land Act 1981. Schedule 2 permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required - for example, "references in the said Part[s] 2 [and 3] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".

(h) Columns (1) and (4) need not be included where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc., on the map and referred to accordingly in columns (1) and (4).

(i) This column must contain sufficient detail to identify the land without reference to the map. If land in which the authority has an interest is shown, then insert "All interests in ... except those owned by the acquiring authority". Insert details of the relevant Crown interest in the appropriate column.

(j) In the case of any land for which the acquiring authority intends to serve notice on an owner, lessee, tenant or occupier under section 6(4) of the Acquisition of Land Act 1981, enter "unknown" in the appropriate columns. Tenants who are lessees (with leases of three years or more) should be listed in the lessees sub-column rather than the tenants.

(k) Insert in this column the name of any person who has an interest, not already included in columns (2) and (3), to whom the acquiring authority would be required to give a notice to treat if purchasing under section 5(1) of the Compulsory Purchase Act 1965. An example might be the inclusion in the order for the purchase under the particular provisions of the enabling Act of an easement over the land in the order. A description of the interest to be acquired should also be included.

(l) Insert in this column the name of any person whom the acquiring authority thinks is likely to be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection) in respect of any interest that person may have if the compulsory purchase takes place. An example might be the

interference with a private right of access across the land included in the order, as a result of implementing the acquiring authority's proposals. A description of the interest should be included.

(m) The compulsory acquisition of land or new rights over land -

(i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the Acquisition of Land Act 1981;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;

(iii) which is held inalienably by the National Trust; or

(iv) forming part of a common or open space, or of a fuel or field garden allotment,

is subject to special provisions in sections 17 to 19 of, and Part 3 of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. (Section 17 will rarely apply as the class of excepted person in section 17(3) is very wide and includes local authorities and housing action trusts.)

(n) In the column "Special Category", state which section of the 1981 Act applies, and the description of special category land.

(o) The order must be made under seal, duly authenticated and dated.

FORM 5

Regulation 3(b)(ii)

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER PROVIDING FOR THE VESTING OF EXCHANGE LAND

[THE () (CLEARANCE AREA) COMPULSORY PURCHASE
ORDER] (a)

The Housing Act 1985 and and the Acquisition of Land Act 1981

The [(b)] (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 290 of the Housing Act 1985, hereby authorised to purchase compulsorily for the purpose[s] of undertaking or otherwise securing the demolition of buildings in a clearance area [and][securing a cleared area of convenient shape and dimensions][and][the satisfactory development or use of the cleared area] (c) the land described in paragraph 2.

2. The land authorised to be purchased compulsorily under this order is -

(i) the land which is described in Part 1 of Schedule 1 and is delineated and shown coloured pink (*d*) on the map prepared in duplicate, and marked "Map referred to in [(*a*)]" which land was included in the [(*e*)] clearance area pursuant to a resolution of the acquiring authority passed on [(*f*)]; and

(ii) the land which is described in Part 2 of the Schedule and is delineated and shown coloured grey on the said map, which land is situated outside the [(*e*)] clearance area; and

(iii) for the purpose of giving in exchange, the land which is described in Schedule 2 and is delineated and shown [(*q*)] 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 (*g*).]

[4.

(1) In this paragraph "the order land" means the land [numbered] [described] in Schedule 1 and "the exchange land" means the land described in Schedule[s] [2][and][3].(*r*)

(2) As from the latest of the dates mentioned in sub-paragraph (3) of this paragraph, the exchange land shall vest in the person[s] in whom the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to the order land; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.](*s*)

or

[4.

(1)

(a) In this paragraph "the order land" means the land [numbered] [described] in Schedule 1 and "the exchange land" means the land described in Schedule[s] [2][and][3].(*r*)

(b) For a plot of the exchange land, its corresponding plot of the order land for the purposes of this paragraph is indicated in the last column of Table 2 in Schedule[s] [2] [and] [3].(*r*)

(2)

(a) In relation to each plot of the order land and the corresponding plot of the exchange land, as from the latest of the dates mentioned in sub-paragraph (3) of this paragraph, the corresponding plot of the

exchange land shall vest in the person[s] in whom that plot of the order land was vested immediately before it was vested in the acquiring authority, subject to the like rights, trusts and incidents as attached to that plot of the order land, and that plot of the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.]

[(3) The dates referred to in sub-paragraph (2) of this paragraph are -

- (i) the date on which this order becomes operative;**
- (ii) the date on which the plot of the order land is vested in the acquiring authority;**
- (iii) the date on which the corresponding plot of the exchange land is vested in the acquiring authority.](s)**

SCHEDULE 1

LAND TO BE PURCHASED (EXCEPT EXCHANGE LAND)

Table 1

Number on map (<i>h</i>) (1)	Extent, description and situation of the land (<i>i</i>) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (<i>j</i>) (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
PART 1 - LANDS WITHIN THE CLEARANCE AREA					
PART 2 - LANDS OUTSIDE THE CLEARANCE AREA					

Table 2

Number on map (<i>h</i>) (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (<i>k</i>) (5)	Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (<i>l</i>) (6)

	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
PART 1 - LANDS WITHIN THE CLEARANCE AREA				
PART 2 - LANDS OUTSIDE THE CLEARANCE AREA				

SCHEDULE 2

THE EXCHANGE LAND TO BE PURCHASED AND VESTED

Table 1

Number on map (<i>h</i>) (1)	Extent, description and situation of the land (<i>i</i>) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (<i>j</i>) (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers

Table 2

Number on map (<i>h</i>) (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (<i>k</i>) (5)	Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (<i>l</i>) (6)		In exchange for - (<i>m</i>) (7)	
		Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim

[SCHEDULE 3]

THE EXCHANGE LAND TO BE VESTED

Number on map <i>(h)</i> (1)	Extent, description and situation of land <i>(i)</i> (2)	In exchange for - <i>(m)</i> (3)

[(n) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely -

Number of map Special category *(o)*

Date *(p)*

[Attestation Clause]

NOTES ON THE USE OF FORM 5

(a) Insert the title of the order, beginning with the name of the acquiring authority followed in brackets by the general location where the land to be acquired is situated. The words "(Clearance Area) Compulsory Purchase Order" and the year in which it is made should then follow.

(b) Insert the name of the acquiring authority.

(c) Delete material which is inapplicable, depending on whether as well as section 290(1), section 290(2)(a) or (b) or both are applicable.

(d) The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly delineated. Further, the map itself should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500, 1/1250 or 1/2500 as appropriate. If new rights are to be acquired, specify these by description in the Schedule. If new rights are being acquired, the land over which they are being acquired should be identified on the map in a different colour or format to land being compulsorily acquired. If new rights are being acquired under different powers from those being used in relation to the land, specify the powers.

(e) State name of clearance area.

(f) Give date of relevant resolution.

(g) This paragraph may be omitted, or may be inserted with or without reference to Part 3 of Schedule 2 to the Acquisition of Land Act 1981. Schedule 2 permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required - for example, "references in the said Part[s] 2 [and 3] to the undertaking

shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".

(h) Columns (1) and (4) need not be included where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc., on the map and referred to accordingly in columns (1) and (4).

(i) This column must contain sufficient detail to identify the land without reference to the map. If land in which the authority has an interest is shown, then insert "All interests in ... except those owned by the acquiring authority". Insert details of the relevant Crown interest in the appropriate column.

(j) In the case of any land for which the acquiring authority intends to serve notice on an owner, lessee, tenant or occupier under section 6(4) of the Acquisition of Land Act 1981, enter "unknown" in the appropriate columns. Tenants who are lessees (with leases of three years or more) should be listed in the lessees sub-column rather than the tenants.

(k) Insert in this column the name of any person who has an interest, not already included in columns (2) and (3), to whom the acquiring authority would be required to give a notice to treat if purchasing under section 5(1) of the Compulsory Purchase Act 1965. An example might be the inclusion in the order for the purchase under the particular provisions of the enabling Act of an easement over the land in the order. A description of the interest to be acquired should also be included.

(l) Insert in this column the name of any person whom the acquiring authority thinks is likely to be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection) in respect of any interest that person may have if the compulsory purchase takes place. An example might be the interference with a private right of access across the land included in the order, as a result of implementing the acquiring authority's proposals. A description of the interest should be included.

(m) Insert the relevant plot number, as shown in columns (1) and (4) of Schedule 1, of the land in respect of which each plot of exchange land is given. If the order relates to only one plot of land, insert "the order land".

(n) The compulsory acquisition of land or new rights over land -

(i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the Acquisition of Land Act 1981;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;

(iii) which is held inalienably by the National Trust; or

(iv) forming part of a common or open space, or of a fuel or field garden allotment,

is subject to special provisions in sections 17 to 19 of, and Part 3 of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. (Section 17 will rarely apply as the class of excepted person in section 17(3) is very wide and includes local authorities and housing action trusts.)

(o) In the column "Special Category", state which section of the 1981 Act applies, and the description of special category land.

(p) The order must be made under seal, duly authenticated and dated.

(q) Describe the colouring or other method to identify the relevant land on the map.

(r) Insert or delete as appropriate.

(s) Insert the first alternative if one exchange only is involved and the second alternative if more than one is involved. If new rights are involved, and paragraph 6 of Schedule 3 to the Acquisition of Land Act 1981 is applicable, adapt and include paragraph 5 from Form 2 or paragraph 4 from Form 3, as appropriate.

FORM 6

Regulation 3(b)(iii)

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER PROVIDING FOR THE DISCHARGE OF RIGHTS, TRUSTS AND INCIDENTS

[THE () (CLEARANCE AREA) COMPULSORY PURCHASE
ORDER] (a)

The Housing Act 1985 and and the Acquisition of Land Act 1981

The [(b)] (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 290 of the Housing Act 1985, hereby authorised to purchase compulsorily for the purpose[s] of undertaking or otherwise securing the demolition of buildings in a clearance area [and][securing a cleared area of convenient shape and dimensions][and][the satisfactory development or use of the cleared area] (c) the land described in paragraph 2.

2. The land authorised to be purchased compulsorily under this order is -

(i) the land which is described in Part 1 of the Schedule and is delineated and shown coloured pink (*d*) on the map prepared in duplicate, and marked "Map referred to in [*a*]" which land was included in the [*e*] clearance area pursuant to a resolution of the acquiring authority passed on [*f*]; and

(ii) the land which is described in Part 2 of the Schedule and is delineated and shown coloured grey on the said map, which land is situated outside the [*e*] clearance area.

[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 (*g*).]

[4.

(1) In this paragraph "the order land" means (p) [the land referred to in paragraph 2(i) and (ii)][the land numbered in the Schedule].

(2) As from the date on which this order becomes operative or from the date on which the order land, or any part of it, is vested in the acquiring authority whichever is the later, the order land shall be discharged from all rights, trusts and incidents to which it was previously subject.]

SCHEDULE

LAND TO BE PURCHASED

Table 1

Number on map (<i>h</i>) (1)	Extent, description and situation of the land (<i>i</i>) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (<i>j</i>) (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
PART 1 - LANDS WITHIN THE CLEARANCE AREA					
PART 2 - LANDS OUTSIDE THE CLEARANCE AREA					

Table 2

Number	Other qualifying	Other qualifying persons under
--------	------------------	--------------------------------

on map (h) (4)	persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (k) (5)	section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (l) (6)		
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
PART 1 - LANDS WITHIN THE CLEARANCE AREA				
PART 2 - LANDS OUTSIDE THE CLEARANCE AREA				

[(m) This order includes land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies, namely -

Number of map Special category (n)]

Date (o)

[Attestation Clause]

NOTES ON THE USE OF FORM 6

(a) Insert the title of the order, beginning with the name of the acquiring authority followed in brackets by the general location where the land to be acquired is situated. The words "(Clearance Area) Compulsory Purchase Order" and the year in which it is made should then follow.

(b) Insert the name of the acquiring authority.

(c) Delete material which is inapplicable, depending on whether as well as section 290(1), section 290(2)(a) or (b) or both are applicable.

(d) The boundaries of each parcel of land separately numbered in the Schedule to the order should be clearly delineated. Further, the map itself should contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps should normally be on the scale of 1/500, 1/1250 or 1/2500 as appropriate. If new rights are to be acquired, specify these by description in the Schedule. If new rights are being acquired, the land over which they are being acquired should be identified on the map in a different colour or format to land being compulsorily acquired. If new rights are being acquired under different powers from those being used in relation to the land, specify the powers.

(e) State name of clearance area.

(f) Give date of relevant resolution.

(g) This paragraph may be omitted, or may be inserted with or without reference to Part 3 of Schedule 2 to the Acquisition of Land Act 1981. Schedule 2 permits modifications of references to "the undertaking" in that Schedule. Insert any such modifications which are required - for example, "references in the said Part[s] 2 [and 3] to the undertaking shall be construed as references to the buildings or works constructed or to be constructed on that part of the land authorised to be purchased hatched black on the said map".

(h) Columns (1) and (4) need not be included where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2, etc., on the map and referred to accordingly in columns (1) and (4).

(i) This column must contain sufficient detail to identify the land without reference to the map. If land in which the authority has an interest is shown, then insert "All interests in ... except those owned by the acquiring authority". Insert details of the relevant Crown interest in the appropriate column.

(j) In the case of any land for which the acquiring authority intends to serve notice on an owner, lessee, tenant or occupier under section 6(4) of the Acquisition of Land Act 1981, enter "unknown" in the appropriate columns. Tenants who are lessees (with leases of three years or more) should be listed in the lessees sub-column rather than the tenants.

(k) Insert in this column the name of any person who has an interest, not already included in columns (2) and (3), to whom the acquiring authority would be required to give a notice to treat if purchasing under section 5(1) of the Compulsory Purchase Act 1965. An example might be the inclusion in the order for the purchase under the particular provisions of the enabling Act of an easement over the land in the order. A description of the interest to be acquired should also be included.

(l) Insert in this column the name of any person whom the acquiring authority thinks is likely to be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection) in respect of any interest that person may have if the compulsory purchase takes place. An example might be the interference with a private right of access across the land included in the order, as a result of implementing the acquiring authority's proposals. A description of the interest should be included.

(m) The compulsory acquisition of land or new rights over land -

(i) which is the property of a local authority but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the Acquisition of Land Act 1981;

(ii) which has been acquired by statutory undertakers for the purposes of their undertaking but is proposed to be acquired by a person other than a person mentioned in section 17(3) of the 1981 Act;

(iii) which is held inalienably by the National Trust; or

(iv) forming part of a common or open space, or of a fuel or field garden allotment,

is subject to special provisions in sections 17 to 19 of, and Part 3 of Schedule 3 to, the 1981 Act and consequently may be subject to special parliamentary procedure in certain circumstances. (Section 17 will rarely apply as the class of excepted person in section 17(3) is very wide and includes local authorities and housing action trusts.)

(n) In the column "Special Category", state which section of the 1981 Act applies, and the description of special category land.

(o) The order must be made under seal, duly authenticated and dated.

(p) Adapt the form as necessary to requirement.

(q) Insert or delete as appropriate.

FORM 7

Regulation 3(c)

FORM OF NOTICE CONCERNING A COMPULSORY PURCHASE ORDER FOR NEWSPAPER PUBLICATION AND AFFIXING ON OR NEAR THE LAND COMPRISED IN THE ORDER

THE () COMPULSORY PURCHASE ORDER] (a)

COMPULSORY PURCHASE OF [LAND][AND][NEW RIGHTS](b) IN
[](c)

Notice is hereby given that the [(d)] [has] [prepared in draft] [made] (e) the [(a)] under [section of] [and] [paragraph of Schedule to] [the Act](f). [He][She][It] is about to [make][submit] this order [to (g) for confirmation], and if [made][confirmed], the order will authorise [(d)] to purchase compulsorily [on behalf of the council of (h)][the land][and][the new rights] described below for the purpose of [(i)].

A copy of the order and of the accompanying map may be seen at all reasonable hours at [(j)].

Any objection to the order must be made in writing to [(k)] before [(l)] and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF [LAND][AND][THE NEW RIGHTS](b)

(m)

[Date and signature]

NOTES ON THE USE OF FORM 7

- (a) Insert the title of the order. The title and any sub-heading should be the same as in the order.*
- (b) Delete material which is inapplicable.*
- (c) Insert the name of the area in which the land concerned is situated.*
- (d) Insert the name of the acquiring authority or title of the minister who will make the order.*
- (e) For an order to be made by a Minister use the first alternative wording brackets in each case and for an order made by a non-Ministerial authority use the second alternative wording.*
- (f) Insert the section of or paragraph of the Schedule to and title of the Act authorising compulsory purchase. The Acquisition of Land Act 1981 need not be mentioned.*
- (g) Insert the name of the confirming authority, and omit the words concerning confirmation in brackets in the case of a Ministerial order.*
- (h) Insert the name of the council (if any) on behalf of which the order has been made.*
- (i) Insert the purpose of the acquisition as stated in the order.*
- (j) The place of deposit must be "within the locality" (see section 11(2) (c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.*
- (k) Insert the name and address of the confirming authority in the case of a non-Ministerial order and the name and address of the Minister in the case of a Ministerial order.*
- (l) Insert a date at least 21 days from the date of first publication of the notice (ie 21 days excluding the date of first publication).*
- (m) Insert a description of all the land and/or new rights described in the order. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what is included. If the details of the new rights are lengthy, a summary may be included.*

FORM 8

Regulation 3(d)

FORM OF NOTICE TO A QUALIFYING PERSON IN RESPECT OF LAND (OR OF LAND TO BE SUBJECT TO NEW RIGHTS) COMPRISED IN A COMPULSORY PURCHASE ORDER

[THE () COMPULSORY PURCHASE ORDER] (a)

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

[The [] Act(s) (a)]

1. The [(b)] [has prepared in draft] [made on the [20] [(a)]] (c) under the [(d)] Act. [He][She][It] is (c) about to [make] [submit] (c) this order [to (e) for confirmation], and if [made][confirmed] (c), the order will authorise [(b)] to purchase compulsorily [on behalf of the council of (f)][the land][and][the new rights](c) described below for the purpose of [(g)].

2. A copy of the order and of the map referred to therein have been deposited at [(h)] and may be seen at all reasonable hours.

3. If no relevant objection as defined in [section 13(6) of][paragraph 4(6) of Schedule 1 to] (c) the Acquisition of Land Act 1981 is made, or if all such objections made are withdrawn, or if the [Minister][confirming authority] (c) is satisfied that every objection made [either] relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal [or amounts in substance to an objection to the provisions of the development plan defining the proposed use of any land comprised in the order][or amounts in substance to an objection to the [] Scheme/Order 20[]] (i), the [Minister][confirming authority] (c) may [make][confirm] (c) the order with or without modifications.

4. In any other case where a relevant objection has been made which is not withdrawn or disregarded, the [Minister][confirming authority] (c) is required, before [making][confirming] (c) the order either -

(i) to cause a public local inquiry to be held; or

(ii) to afford to the objector an opportunity of appearing before and being heard by a person appointed by the [Minister][confirming authority] (c) for the purpose; or

(iii) with the consent of the objector to follow a written representations procedure.

5. The [Minister][confirming authority] (c) may then, after considering the objection and the report of the person who held the inquiry or hearing or considered the written representations, [make][confirm] (c) the order with or without modifications. [In the event that there is no objection, whether by a qualifying person or otherwise, the confirming authority may in certain circumstances permit the acquiring authority to determine confirmation of the order.(j)]

6. Any objection to the order must be made in writing to [(k)] before [(l)] and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF [LAND][AND][THE NEW RIGHTS](c)

(m)

[Date and signature]

NOTES ON THE USE OF FORM 8

(a) Insert the title of the order. The title and any sub-heading should be the same as in the order.

(b) Insert the name of the acquiring authority or title of the Minister who will make the order.

(c) Delete material which is inapplicable.

(d) Insert the section of or paragraph of the Schedule to and title of the Act authorising compulsory purchase. The Acquisition of Land Act 1981 need not be mentioned.

(e) Insert the name of the confirming authority, and omit the words concerning confirmation in brackets in the case of a Ministerial order.

(f) Insert the name of the council (if any) on behalf of which the order has been made.

(g) Insert the purpose of the acquisition as stated in the order.

(h) The place of deposit must be "within the locality" (see section 11(2) (c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.

(i) The words in square brackets containing the reference to the development plan are required only where the order is made under section 226 or 228 of the Town and Country Planning Act 1990. The words in square brackets containing the reference to "the Scheme/Order 20[]" are required only when the order is made under the highway land acquisition powers (as defined in section 250(1) of the Highways Act 1980) and the circumstances specified in section 258(1) of the Highways Act 1980 apply. In all other cases the bracketed words should be omitted.

(j) Only applicable if the order is subject to confirmation. The relevant provision is section 14A of the Acquisition of Land Act 1981 as inserted by section 102 of the Planning and Compulsory Purchase Act 2004.

(k) Insert the name and address of the confirming authority in the case of a non-Ministerial order and the name and address of the Minister in the case of a Ministerial order.

(l) Insert a date at least 21 days from the date of first publication of the notice (ie 21 days excluding the date of first publication).

(m) Insert a description of all the land and/or new rights described in the order. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what is included. If the details of the new rights are lengthy, a summary may be included.

Additional provisions for a compulsory purchase order made under section 47 of the Listed Buildings Act (n)

3. Under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any person having an interest in a listed building which it is proposed to acquire compulsorily under that section may, within 28 days after the service of this notice, apply to the magistrates' court for an order staying further proceedings on the compulsory purchase order; and if the court is satisfied that reasonable steps have been taken for properly preserving the building, the court must make an order accordingly.

4. The [(o)] have included in the order a direction for minimum compensation (the meaning of which is explained (p)). Under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any person having an interest in the building may, within 28 days after the service of this notice, apply to the magistrates' court for an order that the direction be not included in the order as [confirmed][made] (q); and if the court is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or redevelopment of the site or any adjoining site, the court must make the order applied for.

5. Subject to any action taken under the Planning (Listed Buildings and Conservation Areas) Act 1990 (which also provides for appeals against decisions of the court) the position with respect to this order is set out below.

NOTES ON THE USE OF ADDITIONAL PROVISIONS IN FORM 8

(n) See regulation 4.

(o) Insert the name of the acquiring authority. If the acquiring authority is a Minister, the paragraph should begin "The [Title of the Minister] has included in the draft order".

(p) Insert a reference to the place where the meaning of "direction for minimum compensation" is explained, for example, "below" or "in the attached note". (This explanation is required by section 50(3) of the Listed Buildings Act in any case where the direction is included in an order; it should normally include the text of section 50(4) and (5)).

(q) Delete as appropriate.

FORM 9

Regulation 3(d)

FORM OF NOTICE TO A QUALIFYING PERSON IN RESPECT OF LAND (OR OF LAND TO BE SUBJECT TO NEW RIGHTS) COMPRISED IN A COMPULSORY PURCHASE ORDER MADE ON BEHALF OF A COUNCIL(a)

[THE () COMPULSORY PURCHASE ORDER] (b)

[The Local Government Act 1972][The Highways Act 1980](c)

and the Acquisition of Land Act 1981

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

1. The [(d)][has prepared in draft] [made on [(e)] [(f)] (c) under [the Act] (g). [He][She][It] is about to [make][submit] (c) this order [to (h) for confirmation], and if [made][confirmed] (c), the order will authorise [(d)] to purchase compulsorily [on behalf of the council of] (j) [the land][and][the new rights] (c) described below for the purpose of [(i)].

2. A copy of the order and of the map referred to therein have been deposited at [(k)]and may be seen at all reasonable hours.

3. If no relevant objection as defined in [section 13(6) of][paragraph 4(6) of Schedule 1 to] (c) the Acquisition of Land Act 1981 is made, or if all objections so made are withdrawn, or if the [Minister][confirming authority] (c) is satisfied that every objection made [either] relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal and disregards the objection the [Minister][confirming authority] (c) may [make][confirm] (c) the order with or without modifications.

4. In any other case where a relevant objection has been made which is not withdrawn or disregarded, the [Minister][confirming authority] (c) is required, before [making][confirming] (c) the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the [Minister][confirming authority] (c) for the purpose or with the consent of the objector to follow a written representations procedure, and may then, after considering the objection and the report of the person who held the inquiry or hearing or considered the written representations, [make] [confirm] (c) the order with or without modifications. [In the event that there is no objection, whether by a qualifying person or otherwise, the confirming authority may in certain circumstances permit the acquiring authority to determine confirmation of the order. (j)

5. Any objection to the order must be made in writing to [(l)] before [(m)] and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF [LAND][AND][THE NEW RIGHTS] (c)

(n)

[Date and signature]

NOTES ON THE USE OF FORM 9

(a) This power can only be exercised under sections 121 or 125 of the Local Government Act 1972 by a council on behalf of another council or a parish council and by a local highway authority on behalf of another under section 8 of the Highways Act 1980.

(b) Insert the title of the order. The title and any sub-heading should be the same as in the order.

(c) Delete material which is inapplicable.

(d) Insert the name of the acquiring authority or title of the Minister who will make the order.

(e) Insert the date of the making of the order.

(f) Insert the title of the order.

(g) Insert the section of or paragraph of the Schedule to and title of the Act authorising compulsory purchase. The Acquisition of Land Act 1981 need not be mentioned.

(h) Insert the name of the confirming authority (in the case of a non-Ministerial order).

(i) Insert the purpose as stated in the order.

(j) Insert if this is possible - see section 14A of the Acquisition of Land Act 1981 as inserted by section 102(2) of the Planning and Compulsory Purchase Act 2004.

(k) The place of deposit must be "within the locality" (see section 11(2)(c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.

(l) Insert the name and address of the confirming authority in the case of a non-Ministerial order and the name and address of the Minister in the case of a Ministerial order.

(m) Insert a date at least 21 days from the date of first publication of the notice (ie 21 days excluding the date of first publication).

(n) Insert a description of all the land and/or new rights described in the order. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what is included. If the details of the new rights are lengthy, a summary may be included.

FORM 10

Regulation 3(e)

FORM OF NOTICE OF MAKING OR CONFIRMATION (OTHER THAN BY AN ACQUIRING AUTHORITY) OF A COMPULSORY PURCHASE ORDER

[THE () COMPULSORY PURCHASE ORDER] (a)

The [] Act (a)

and the Acquisition of Land Act 1981

[The [] Act(s) (a)]

1. Notice is hereby given that the [(b)], in exercise of [his][its] (c) powers under the above Acts, on [(d)][made][confirmed][with modifications] (c) [(e)] [submitted by the] [on behalf of the council of] (c).

2. The order as [made][confirmed] (c) provides for the purchase for the purposes of [(g)] of [the land][and][the new rights] (c) described in [the] (c) Schedule [1] (c) hereto. [By a direction given under section (h) consideration of the order, so far as it relates to the land described in Schedule 2 hereto, has been postponed until .] (i)

3. A copy of the order as [made][confirmed] (c) by the [(b)] and of the map referred to therein have been deposited at [(j)] and may be seen at all reasonable hours.

4. (k) The order as [made][confirmed] (c) becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

or

4. The order as [made][confirmed] (c) is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a person aggrieved by the order may, by application to the High Court within 6 weeks from the operative date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

SCHEDULE [1] (c)

**[LAND][AND][THE NEW RIGHTS] (c) COMPRISED IN THE ORDER
AS [MADE][CONFIRMED] (c)**

[SCHEDULE 2

**LAND IN RESPECT OF WHICH CONSIDERATION HAS BEEN
POSTPONED] (c)**

(l)

[Date and signature]

NOTES ON THE USE OF FORM 10

(a) Insert the title, heading and any sub-heading as in the order as made or confirmed.

(b) Insert the name of the confirming authority (or authorities) or if the order has been made by a Minister, the title of that Minister.

(c) Delete material which is inapplicable.

(d) Insert the date of the making (for a Ministerial order) or confirmation (in other cases) of the order.

(e) Insert the title of the order.

(f) Insert the name of the acquiring authority.

(g) Insert the purpose as stated in the order.

(h) Insert details of the relevant provision under which the direction postponing consideration has been given.

(i) Insert the date until which consideration has been given.

(j) The place of deposit must be "within the locality" (see section 11(2) (c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.

(k) Use whichever alternative is appropriate.

(l) Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.

FORM 11

Regulation 3(e)

FORM OF NOTICE OF CONFIRMATION BY AN ACQUIRING AUTHORITY OF A COMPULSORY PURCHASE ORDER

[THE () COMPULSORY PURCHASE ORDER] (a)

The [] Act (a)

and the Acquisition of Land Act 1981

[The [] Act(s) (a)]

1. Notice is hereby given that the [(b)], in exercise of the powers of the confirming authority under the above Acts, on [(c)] confirmed [(d)] made by it [on behalf of the council of (e)]. No objections to the order were received within the permitted period and consequently notification was given by [(f)] that the power to confirm the order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.

2. The order as confirmed provides for the purchase for the purposes of [(g)] of [the land][and][the new rights] (e) described in the Schedule.

3. A copy of the order as confirmed by the [(b)] and of the map referred to therein have been deposited at [(h)] and may be seen at all reasonable hours.

4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

SCHEDULE

**[LAND][AND][THE NEW RIGHTS] (c) COMPRISED IN THE ORDER
AS CONFIRMED**

(i)

[Date and signature]

NOTES ON THE USE OF FORM 11

(a) Insert the title, heading and any sub-heading as in the order as made or confirmed.

(b) Insert the name of the acquiring authority.

(c) Insert the date of the confirmation of the order.

(d) Insert the title of the order.

(e) If the acquisition is on behalf of another council, insert the name of that council. If not so acquiring, delete this material.

(f) Insert the title of the Minister notifying the acquiring authority that it may exercise the power of confirmation .

(g) Insert the purpose as stated in the order.

(h) The place of deposit must be "within the locality" (see section 11(2) (c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.

(i) Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.

FORM 12

Regulation 3(f)

FORM OF 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

[THE () COMPULSORY PURCHASE ORDER] (a)

The Acquisition of Land Act 1981

1. The [(a)], which has been [submitted by (b) to the (c) for confirmation] [prepared in draft by (d)] (e), includes [the land][and] [the new rights] (e) described in the Schedule.

2. [This land][The land over which the new rights are to be acquired] (e) was acquired by [(g)] for the purposes of their undertaking and the Secretary of State is satisfied that [it is used][an interest in it] (f) for the purposes of the carrying out of their undertaking.

or

[This land][The land over which the new rights are to be acquired][is] [forms part of][a common][an open space][a fuel or field garden allotment].(f)

3. [Notice is hereby given that the Secretary of State in exercise of his powers under [section [16][19] of][paragraph [3][6] of Schedule 3 to] (f) the Acquisition of Land Act 1981 has certified [(h)].

4. A map showing the land to which the certificate relates [and the land proposed to be given in exchange] (e) may be inspected at [(i)] at all reasonable hours.

5. The certificate becomes operative on the date on which this notice is first published. A person aggrieved by the certificate may, by application to the High Court within 6 weeks from that date, challenge its validity on the ground that there has been a failure to comply with any relevant statutory requirement relating to the certificate.

SCHEDULE

(j)

[Date and signature]

NOTES ON THE USE OF FORM 12

- (a) Insert the title of the order.*
- (b) Insert the name of the acquiring authority.*
- (c) Insert the title of the confirming authority.*
- (d) Insert the name of the authority by whom the draft has been prepared.*
- (e) Delete material which is inapplicable.*
- (f) Use whichever alternative is appropriate.*
- (g) Insert the name of the relevant undertaker.*
- (h) Insert the terms of the certificate.*
- (i) The place of deposit should be within reasonably easy reach of persons living in the area affected.*
- (j) Insert a description of the land (and/or new rights if any) to which the certificate relates. If the details of new rights are lengthy a suitable summary may be included.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact with amendments the Compulsory Purchase of Land Regulations 1994. They prescribe forms for use in connection with the compulsory purchase of land and new rights over land in England and Wales which are subject to the procedures contained in the Acquisition of Land Act 1981 except when the acquiring or confirming authority is the National Assembly for Wales. The amendments take account of the legislative changes in the Planning and Compulsory Purchase Act 2004 as well as minor changes in drafting.

The main features of those amendments are -

- (a) prescribed forms for compulsory purchase orders incorporating in the Schedules an extended category of person referred as a "qualifying person" who is to be served with notice of the making of**

a compulsory purchase order (section 12(1) of the 1981 Act) (Forms 1 to 6);

(b) a prescribed form for a notice of the making or preparation in draft of a compulsory purchase order to be affixed to a conspicuous object or objects on or near the land comprised in the order (section 11(3) of and paragraph 2(3) of Schedule 1 to the 1981 Act) (Form 7). This is the same prescribed form as for the newspaper notice advertising the order;

(c) a prescribed form for a notice of the confirmation or making by a Minister of a compulsory purchase order to be affixed to a conspicuous object or objects on or near the land comprised in the order (section 15(1)(b) of and paragraph 6(1)(b) of Schedule 1 to the 1981 Act) (Form 10). This is the same prescribed form as for the newspaper notice advertising the confirmation or making; and

(d) a prescribed form for a notice of confirmation when the acquiring authority confirms an unopposed compulsory purchase order following notification by the Minister who is the confirming authority in accordance with section 14A of the 1981 Act (Form 11).

A Regulatory Impact Assessment has been prepared in relation to these Regulations. It has been placed in the Library of each House of Parliament and copies may be obtained from the Compulsory Purchase and Compensation Branch, Planning Directorate, Office of the Deputy Prime Minister, Eland House, Bressenden Place, London SW1E 5DU (telephone 0207 944 3928) or email CPOCROWN@odpm.gsi.gov.uk

Notes:

[1] 1981 c. 67; sections 11(3) and 15(5) and paragraphs 2(3) and 6(5) of Schedule 1 were inserted by the Planning and Compulsory Purchase Act 2004 (c. 5). Some, but not all, of the functions of the Secretary of State in authorising 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).[back](#)

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

[3] 1990 c. 9.[back](#)

[4] 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 as amended by sections 100(5) and 101(3) of the Planning and Compulsory Purchase Act 2004.[back](#)

[5] 1972 c. 70.[back](#)

[6] For the definition of "principal council", see section 270 of the Local Government Act 1972.[back](#)

[7] 1980 c. 66.[back](#)

[8] For the definition of "highway authority", see section 1 of the

Highways Act 1980.[back](#)

[9] For the definition of "confirmation notice", see section 15(4) of the Acquisition of Land Act 1981 inserted by section 100(7) of the Planning and Compulsory Purchase Act 2004.[back](#)

[10] For the definition of "making notice", see paragraph 6(4) of Schedule 1 to the Acquisition of Land Act 1981 inserted by section 101(5) of the Planning and Compulsory Purchase Act 2004.[back](#)

[11] S.I. 1994/2145.[back](#)

ISBN 0 11 049902 6

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Prepared 14 October 2004