

Welsh Statutory Instrument 2004 No. 2732 (W.239)

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

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STATUTORY INSTRUMENTS

2004 No. 2732 (W.239)

ACQUISITION OF LAND, WALES

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

<i>Made</i>	<i>19 October 2004</i>
<i>Coming into force</i>	<i>31 October 2004</i>

The National Assembly for Wales ("the National Assembly"), in exercise of its powers in sections 7(2), 10(2), 11(1) and (3), 12(1), 15(5) and 22 of, and paragraphs 2(1) and (3), 3(1) and 6(5) of Schedule 1 and paragraph 9 of

Schedule 3 to, the Acquisition of Land Act 1981 ("the Act")[1], and all other powers enabling it in that behalf, hereby makes the following Regulations[2]:

Citation, commencement and application

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

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

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

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

Interpretation

2. - (1) In these Regulations -

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

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

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

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

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

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

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

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

Prescribed forms in connection with compulsory purchase orders

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

(a) Form 1; or

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

(c) if the order does not provide for the vesting of land given in

exchange pursuant to section 19 of, or paragraph 6 of Schedule 3 to, the Act, but provides for discharging the land purchased from rights, trusts and incidents pursuant to that section or paragraph, Form 3.

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

(a) Form 4; or

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

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

(3) For the purposes of -

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

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

which must be used is Form 7.

(4) Subject to regulation 4 -

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

(b) if the order is made under section 121 or 125 of the Local Government Act 1972^[6] on behalf of a principal council^[7] or community council, or pursuant to an agreement under section 8 of the Highways Act 1980^[8] on behalf of a highway authority^[9], the form which must be used is Form 9.

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

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

Additional provisions with respect to listed buildings

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

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

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

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

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

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

Revocation

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

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

D.Elis-Thomas

The Presiding Officer of the National Assembly

19 October 2004

SCHEDULE

Regulation 2(2)

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Form 12 Newspaper notice of the giving of a certificate under section 16 or 19 of, or paragraph 3 or 6 of Schedule 3 to, the Acquisition of Land Act 1981.

FORM 1

Regulation 3(1)(a)

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 hereto and delineated and shown [] on a map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in [(a)]".] (g)

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

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

4. Under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act"), the acquiring authority makes the following direction, being satisfied that the listed building[s] authorised to

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

SCHEDULE

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 (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

[(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]

For Notes on the use of this Form see after Form 3.

FORM 2

Regulation 3(1)(b)

**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] for the purpose of - (e)

(i) [(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) 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 will 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 will 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].

(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 will 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 will 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 the date on which -

(i) this order becomes operative;

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

(iii) 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, "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 will 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 will 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 is contained 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 will 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 will 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 the date on which -

(i) this order becomes operative;

(ii) 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 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 (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	Description of	Name	Description of the land for

	and address	interest to be acquired	and address	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) (1)	Extent, description and situation of the land (j) (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 (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)		In exchange for - (n) (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) (1)	Extent, description and situation of land (j) (2)	In exchange for - (n) (3)

]

(o) This order includes land falling within the special category of land 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]

For Notes on the use of this Form see after Form 3.

FORM 3

Regulation 3(1)(c)

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 over land to be purchased compulsorily under this order are described in the Schedule and the land is shown [] 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]. (r)

[(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) will be discharged from all rights, trusts and incidents to which it was previously subject.] (t)

[(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 will 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.] (t)

SCHEDULE

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

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 (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

--	--	--	--	--

(o) This order includes land falling within the special category of land 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 FORMS 1, 2 AND 3

Forms 1, 2 and 3 have been prescribed in both the Welsh and English languages and it is for each acquiring authority to consider the most appropriate language(s) to use in the circumstances.

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

(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 is contained in some other Act, the title of the Act (or collective title) is to 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, county borough or community council, insert the full name of that council.

(e) Delete material which is inapplicable.

(f) Describe the purpose of the compulsory purchase order in precise terms. Where practicable, the relevant words in the enabling Act are to 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 must 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 are normally to 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 are to 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 are to 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) are to 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 which is of a type set out in section 17(2) or 19 of the 1981 Act may be subject to a special

procedure established by the National Assembly under the Government of Wales Act 1998 and, in the case of land or rights over land to which section 18(2) of the 1981 Act applies, special Parliamentary procedure under the Statutory Orders (Special Procedure) Act 1945.

(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 is to be used if there is more than one exchange).

(t) In Form 3, insert sub-paragraph 4(3) instead of, or in addition to, sub-paragraph 4(2) (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(2)(a)

FORM OF CLEARANCE COMPULSORY PURCHASE ORDER

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

The Housing Act 1985 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 by this order is the land which is described in -

(i) Part 1 of the Schedule, 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) Part 2 of the Schedule and which 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 (<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 (<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					

[(*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]

For Notes on the use of this Form see after Form 6.

FORM 5

Regulation 3(2)(b)

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 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 Schedule 1 and which 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 which 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 will 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 will 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]; (s)

(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 will 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 will 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 the date on which -

(i) this order becomes operative;

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

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

<i>Number of map</i>	<i>Special category (o)</i>
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Date (*p*)

[Attestation Clause]

For Notes on the use of this Form see after Form 6.

Regulation 3(2)(c)

**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 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 by this order is the land which is described in -

(i) Part I 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) Part II 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 [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 will 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 (<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					

(n) This order includes land falling within the special category of land 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 FOR THE USE OF FORMS 4, 5 AND 6

Forms 4, 5 and 6 have been prescribed in both the Welsh and English languages and it is for each acquiring authority to consider the most appropriate language(s) to use in the circumstances.

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

(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 must be clearly delineated. Further, the map itself must contain sufficient detail to enable the situation of the land to be readily identified by reference to the description given in the Schedule. Maps are normally to 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 is to 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 are to 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 are to 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) must 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 must 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 and the reasons why the acquiring authority thinks that a claim might be made is also to 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 which is of a type set out in section 17(2) or 19 of the 1981 Act may be subject to a special procedure established by the National Assembly under the Government of Wales Act 1998 and, in the case of land or rights over land to which section 18(2) of the 1981 Act applies, special Parliamentary procedure under the Statutory Orders (Special Procedure) Act 1945.

(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. In Form 6, unless "the order land" in paragraph 5(1) is to include all the land subject to the order, the option in the second set of square brackets is to be used to specify the numbered plots.

(s) In Form 5, 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 6 from Form 2 or paragraph 5 from Form 3, as appropriate.

FORM 7

Regulation 3(3)

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). 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 seen at all reasonable hours at [(j)].

Any objection to the order must be made in writing to [(k)] before [(l)] and 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

Form 7 has been prescribed in a bi-lingual format and it is for each acquiring authority to consider the most appropriate way to complete the Form in the circumstances.

(a) Insert the title of the order. The title and any sub-heading must 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, where the order is being made by the National Assembly for Wales, "the National Assembly for Wales".

(e) For an order to be made by the National Assembly for Wales, use the first alternative wording brackets in each case and, in any other case, use the second alternative wording.

(f) Insert the section of, or paragraph of the Schedule to, the Act, together with the 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 an order made by the National Assembly for Wales.

(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) and 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 an order made otherwise than by the National Assembly for Wales and the name and address of the National Assembly for Wales in the case of an order by the National Assembly for Wales.

(l) Insert a date at least 21 days from the date of first publication of the notice (i.e. 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(4)(a)

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 [insert date] the [(a)]] (c) under the [(d)] Act. It is (c) about to [make this Order] [submit this Order to the National Assembly for Wales(e) for confirmation](c) 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] the Acquisition of Land Act 1981) is made, or if all objections so made are withdrawn, or if the National Assembly for Wales is satisfied that every objection so 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 National Assembly for Wales 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 National Assembly for Wales is required, before [making][confirming] (c) the order, either to -

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

(ii) afford to the objector an opportunity of appearing before and being heard by a person appointed by the

National Assembly for Wales for the purpose; or

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

5. The National Assembly for Wales 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 the National Assembly for Wales before [(k)] and 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)

(l)

[Date and signature]

NOTES ON THE USE OF FORM 8

Form 8 has been prescribed in a bi-lingual format and it is for each acquiring authority to consider the most appropriate way to complete the Form in the circumstances.

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

(b) Insert the name of the acquiring authority or, where the order is being made by the National Assembly for Wales, insert "the National Assembly for Wales".

(c) Delete material which is inapplicable.

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

(e) The National Assembly for Wales is the confirming authority. Omit the words concerning confirmation in brackets in the case of an order made by the National Assembly for Wales.

(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) and 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 are to 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 a date at least 21 days from the date of first publication of the notice (i.e. 21 days excluding the date of first publication).

(l) 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 in relation to compulsory purchase orders made under section 47 of the Listed Buildings Act (m)

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 [(n)] have included in the order a direction for minimum compensation (the meaning of which is explained (o)). 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] (p); 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

(m) See regulation 4.

(n) Insert the name of the acquiring authority. If the acquiring authority is the National Assembly for Wales, begin the paragraph with "The National Assembly for Wales has included in the draft order".

(o) 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 will normally need to include the text of section 50(4) and (5)).

(p) Delete as appropriate.

FORM 9

Regulation 3(4)(b)

**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)**

[() 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)]] (c) the [(f)] under [the Act] (g). It is about to [make] [submit this order to the National Assembly for Wales(h) for confirmation](c) 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] the Acquisition of Land Act 1981) is made, or if all objections so made are withdrawn, or if the National Assembly for Wales is satisfied that every objection so made relates exclusively to matters of compensation which can be dealt with by the Lands Tribunal and disregards the objection, the National Assembly for Wales 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 National Assembly for Wales is required, before [making][confirming] (c) the order, either to -

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

(ii) afford to the objector the an opportunity of appearing before and being heard by a person appointed by the National Assembly for Wales for the purpose; or

(iii) 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, [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 National Assembly for Wales(l) before [(m)] and 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

Form 9 has been prescribed in a bi-lingual format and it is for each acquiring authority to consider the most appropriate way to complete the Form in the circumstances

(a) This power can only be exercised under section 121 or 125 of the Local Government Act 1972 by a council on behalf of another council or a community 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 must be the same as in the order.

(c) Delete material which is inapplicable.

(d) Insert the name of the acquiring authority.

(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, the Act, together with the title of the Act authorising compulsory purchase. The Acquisition of Land Act 1981 need not be mentioned.

(h) The National Assembly for Wales is the confirming authority (in the case of an order not made by it).

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

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

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

(l) Insert the address of the National Assembly for Wales.

(m) Insert a date at least 21 days from the date of first publication of the notice (i.e. 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(5)

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 (b)

and the Acquisition of Land Act 1981

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

1. Notice is hereby given that the National Assembly for Wales, in exercise of its powers under the above Acts, on [(d)][made] [confirmed][with modifications] (c) [the (e)] [submitted by the (f)] [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 [insert relevant legislation], consideration of the order, so far as it relates to the land described in Schedule 2 hereto, has been postponed until [insert relevant date].].

3. A copy of the order as [made][confirmed] (c) 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 [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] [procedures laid down in Standing Orders prepared by the National Assembly under section 64 of the Government of Wales Act 1998] (j). Unless the order is confirmed

by Act of Parliament under section 6 of the 1945 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)**

(i)

[SCHEDULE 2

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

(i)

[Date and signature]

NOTES

Form 10 has been prescribed in a bi-lingual format and it is for each acquiring authority to consider the most appropriate way to complete the Form in the circumstances.

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

(b) The National Assembly for Wales is the confirming authority.

(c) Delete material which is inapplicable.

(d) Insert the date of the making (for an order made by the National Assembly for Wales) 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) The place of deposit must be "within the locality" (see section 11(2)(c) of the Acquisition of Land Act 1981) and 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.

(j) The compulsory acquisition of land or new rights over land which is of a type set out in section 17(2) or 19 of the 1981 Act may be subject to a special procedure established by the National Assembly under the Government of Wales Act 1998 and, in the case of land or rights over land to which section 18 of the 1981 Act applies, special Parliamentary procedure under the Statutory Orders (Special Procedure) Act 1945.

FORM 11

Regulation 3(5)

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 its powers under the above Acts, on [(c)] confirmed [the (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 the National Assembly for Wales 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 [(f)] of [the land][and][the new rights] 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 [(g)] 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**

(h)

[Date and signature]

NOTES

(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 purpose as stated in the order.

(g) 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.

(h) 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(6)

**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 National Assembly for Wales(c) for confirmation][prepared in draft by (d)] (e), includes [the land][and][the new rights] (e) described in the Schedule hereto.

2. [This land][The land over which the new rights are to be acquired]

(e) was acquired by [(g)] for the purposes of its undertaking and the National Assembly for Wales is satisfied that [it is used][an interest in it is used] (f) for the purposes of the carrying out of that 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 National Assembly for Wales, in exercise of its powers under [section [16][19] of][paragraph [3][6] of Schedule 3 to] (f) the above-mentioned Act, 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

Form 12 has been prescribed in a bi-lingual format and it is for each acquiring authority to consider the most appropriate way to complete the Form in the circumstances.

(a) Insert the title of the order.

(b) Insert the name of the acquiring authority.

(c) The National Assembly for Wales is 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 must 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 (S.I. 1994/2145) by prescribing forms for use in connection with the compulsory purchase of land which is, and the compulsory purchase of new rights over land which are, subject to the procedures contained in the Acquisition of Land Act 1981 ("the 1981 Act") where the acquiring or confirming authority is the National Assembly for Wales ("the National Assembly").

The amendments take account of the legislative changes in the Planning and Compulsory Purchase Act 2004 (c.5) and make further minor drafting changes.

The main features of those amendments are to provide -

(a) prescribed forms for 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). The prescribed forms are amended to provide for the inclusion of this extended category in the Schedule to a compulsory purchase order (Forms 1 to 6);

(b) a prescribed form for a notice of the making or preparation in draft of a compulsory purchase order which is 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 compulsory purchase order;

(c) a prescribed form for a notice of the National Assembly's confirmation or making of a compulsory purchase order which is to be affixed to a conspicuous object or objects on or near the land comprised in the compulsory purchase 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 of the compulsory purchase order; and

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

The forms contained in the Schedule to these Regulations enable an acquiring authority to use the Welsh and/or English language as that authority considers appropriate.

Notes:

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

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

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

[4] 1990 c.9.

[5] For the definition of "qualifying person", see section 12(2) of, and paragraph 3(2) of Schedule 1 to, the Acquisition of Land Act 1981.

[6] 1972 c.70.

[7] For the definition of "principal council", see section 270 of the Local Government Act 1972.

[8] 1980 c.66.

[9] For the definition of "highway authority", see section 1 of the Highways Act 1980.

[10] For the definition of "confirmation notice", see section 15(4) of the Acquisition of Land Act 1981.

[11] For the definition of "making notice", see paragraph 6(4) of Schedule 1 to the Acquisition of Land Act 1981.

[12] S.I. 1994/2145.

[13] 1998 c.38.

Cymraeg (Welsh)

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