

UK Parliament Acts/A/AA-AG/Acquisition of Land Act 1981 (1981 c 67)/Part I General (ss 1-9)/2 Procedure for authorisation

Compulsory purchase

2 Procedure for authorisation

- (1) The authorisation of a compulsory purchase shall be conferred by an order (in this Act called a "compulsory purchase order").
- (2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister shall be made by that authority and submitted to and confirmed by the confirming authority in accordance with Part II of this Act.
- (3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with Schedule 1 to this Act.

Document information

Acquisition of Land Act 1981

Date made

30/10/1981

UK Parliament Acts/A/AA-AG/Acquisition of Land Act 1981 (1981 c 67)/Part I General (ss 1-9)/6 Service of documents

6 Service of documents

- (1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section 7 of the Interpretation Act 1978 the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

- (4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee[, tenant] or occupier of land on whom any such document as aforesaid is to be served,

the document may be served by addressing it to him by the description of "owner", "lessee"[, "tenant"] or "occupier" of the land (describing it) to which it relates, and by delivering it to some person on the [land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land]:

Provided that this subsection shall not have effect in relation to an owner, lessee[, tenant] or occupier being a local authority or statutory undertakers or the National Trust.

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UK Parliament Acts/A/AA-AG/Acquisition of Land Act 1981 (1981 c 67)/Part I General (ss 1-9)/7 Interpretation

Interpretation

7 Interpretation

(1) In this Act, except where the context otherwise requires--

"acquiring authority", in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,

"compulsory purchase order" means an order under section 2(1) above,

"confirming authority", in relation to a compulsory purchase, means, where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,

"land"--

(a) includes messuages, tenements and hereditaments, and

(b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,

["local authority" means--

[(a) a billing authority or a precepting authority, as defined in section 69 of the Local Government Finance Act 1992;

[(a1) the London Fire and Emergency Planning Authority;]

[(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]

(b) a levying body within the meaning of section 74 of [the Local Government Finance Act 1988];

(c) a body as regards which section 75 of that Act applies;

(d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and

(e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple,]

"National Trust" means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907,

"owner" in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years [and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative],

"prescribed": see subsection (2) below;

["universal service provider" has the same meaning as in [Part 3 of the Postal Services Act 2011]; and references to the provision of a universal postal service shall be construed in accordance with [that Part]].

(2) Anything which, by Part II or III of this Act, or Schedule 1 or 3 of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

[(3) But an instrument containing regulations made for the purposes of section 13A or paragraph 4A of Schedule 1 is subject to annulment in pursuance of a resolution of either House of Parliament.]

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UK Parliament Acts/A/AA-AG/Acquisition of Land Act 1981 (1981 c 67)/Part I General (ss 1-9)/8 Statutory undertakers

8 Statutory undertakers

(1) In this Act, unless the context otherwise requires, "statutory undertakers" means--

(a) any person authorised by any enactment to construct, work or carry on--

(i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or

(ii) any dock, harbour, pier or lighthouse undertaking, or

(iii) any undertaking for the supply of . . . , . . . [or hydraulic power], or

(b) . . . the Civil Aviation Authority [or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)], or

(c) [a universal service provider in connection with the provision of a universal postal service] . . .

and in this subsection "enactment" means any Act or any order or scheme made under or confirmed by an Act.

[(1ZA) The undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaking for the purposes of this Act except to the extent that it is the person's undertaking as licence holder; and references in this Act to the person's undertaking shall be construed accordingly.]

[(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]

(2) . . .

(3) In this Act "the appropriate Minister" means, in relation to any statutory undertakers, the Secretary of State.

(4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

Document information

Acquisition of Land Act 1981

Date made

30/10/1981

UK Parliament Acts/A/AA-AG/Acquisition of Land Act 1981 (1981 c 67)/Part II Purchases by Local and Other Authorities (ss 10-[15])/10 Preliminary

Part II

Purchases by Local and Other Authorities

10 Preliminary

(1) This Part of this Act has effect except where a Minister is the acquiring authority.

(2) The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.

(3) Before submitting the order to the confirming authority the acquiring authority shall comply with sections 11 and 12 below.

Document information

Acquisition of Land Act 1981

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30/10/1981

UK Parliament Acts/A/AA-AG/Acquisition of Land Act 1981 (1981 c 67)/Part II Purchases by Local and Other Authorities (ss 10-[15])/12 Notices to owners, lessees and occupiers

12 Notices to owners, lessees and occupiers

- (1) The acquiring authority shall serve on every [qualifying person] a notice in the prescribed form--
- (a) stating the effect of the order,
 - (b) stating that it is about to be submitted for confirmation, and
 - (c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the order can be made.

[(2) A person is a qualifying person, in relation to land comprised in an order, if--

- (a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, or]
- [(b) he falls within subsection (2A).

(2A) A person falls within this subsection if he is--

- (a) a person to whom the acquiring authority would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or
- (b) a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection).]

(3) Where under this section any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated].

In this subsection "ecclesiastical property" means land belonging to any ecclesiastical benefice [of the Church of England], or being or forming part of a church subject to the jurisdiction of the bishop of any diocese [of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [. . .].

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