

2017 No. 357 (W. 87)

**ACQUISITION OF LAND,
WALES**

**The Compulsory Purchase of Land
(Prescribed Forms) (National
Assembly for Wales) (Amendment)
Regulations 2017**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004 (“the 2004 Regulations”) (S.I. 2004/2732 (W. 239)). They come into force on 6 April 2017.

Regulation 2(2) amends the 2004 Regulations to prescribe additional forms for the purposes of the Acquisition of Land Act 1981 (c. 67) (“the ALA 1981”). For the purposes of section 15(4)(e) of and paragraph 6(4)(e) of Schedule 1 to the ALA 1981, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) is Part 1 of new Form 9A. For the purposes of section 15(4)(f) of and paragraph 6(4)(f) of Schedule 1 to the ALA 1981, the form for giving information to the acquiring authority is Part 2 of new Form 9A.

Regulation 2(3)(b) inserts new Form 9A (in Part 1 of the Schedule to these Regulations) into the Schedule to the 2004 Regulations.

Regulation 2(3)(c) replaces Form 10 in the 2004 Regulations with a new version (in Part 2 of the Schedule to these Regulations).

Regulation 2(3)(d) replaces Form 11 in the 2004 Regulations with a new version (in Part 3 of the Schedule to these Regulations).

The amendments made by regulation 2 apply in relation to a compulsory purchase order which is made by the Welsh Ministers or which is subject to

confirmation by the Welsh Ministers, on or after 6 April 2017.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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**ACQUISITION OF LAND,
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**The Compulsory Purchase of Land
(Prescribed Forms) (National
Assembly for Wales) (Amendment)
Regulations 2017**

Made 8 March 2017

Coming into force 6 April 2017

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 7 and 15 of, and paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981(1) and now exercisable by them(2), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) (Amendment) Regulations 2017 and come into force on 6 April 2017.

(2) The amendments made by regulation 2 apply in relation to a compulsory purchase order which is made or is subject to confirmation by the Welsh Ministers on or after 6 April 2017.

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- (1) 1981 c. 67; section 15 and paragraph 6 of Schedule 1 were inserted by sections 100(1) and (7) and 101(1) and (5) respectively of the Planning and Compulsory Purchase Act 2004 (c. 5). Sections 15(4)(e) and (f) and paragraph 6(4)(e) and (f) were inserted by paragraphs 1, 2(1) and (2), and 3(1) and (2) of Schedule 15 to the Housing and Planning Act 2016 (c. 22).
- (2) The regulation-making function of the Secretary of State under section 7(2) was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) only so far as it was exercisable in relation to such orders as fall to be made or confirmed by the Assembly. This function was subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

**Amendments to the Compulsory Purchase of Land
(Prescribed Forms) (National Assembly for Wales)
Regulations 2004**

2.—(1) The Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004⁽¹⁾ are amended as follows.

(2) In regulation 3 (prescribed forms in connection with compulsory purchase orders)—

(a) after paragraph (4) insert—

“(4A) For the purposes of section 15(4)(e) of, and paragraph 6(4)(e) of Schedule 1 to, the Act, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981⁽²⁾ which must be used is Part 1 of Form 9A.

(4B) For the purposes of section 15(4)(f) of, and paragraph 6(4)(f) of Schedule 1 to, the Act, the form for giving information to the authority which must be used is Part 2 of Form 9A.”;

(b) in paragraph (5) for “section 15” substitute “section 15(5)” and for “paragraph 6” substitute “paragraph 6(5)”.

(3) In the Schedule—

(a) in the contents, after the entry for Form 9, insert—

Form 9A	Form of statement of effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 and for giving information to the authority”;
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(b) after Form 9, insert the form in Part 1 of the Schedule to these Regulations;

(c) for Form 10, substitute the form in Part 2 of the Schedule to these Regulations;

(d) for Form 11, substitute the form in Part 3 of the Schedule to these Regulations.

Lesley Griffiths

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers

8 March 2017

(1) S.I. 2004/2732 (W. 239).

(2) 1981 c. 66.

SCHEDULE

PART 1

Regulation 2(3)(b)

FORM 9A

Form of Statement of Effect of Parts 2 and 3 of The Compulsory Purchase (Vesting Declarations) Act 1981 (a)

Power to execute a general vesting declaration

1. Once the Order 20 (b) has become operative, the (the (c) may acquire any of the land described in Schedule 1 above (d) by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the (c) at the end of the period mentioned in paragraph 2.

Notices concerning general vesting declaration

2. As soon as may be after the (c) execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land following the invitation contained in the [confirmation] [making](e) notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period, the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the (c) together with the right to enter on the land and take possession of it. Every person on whom the (c) could have served a notice to treat in respect of their interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of their interest in the land, together with interest on the compensation from the vesting date.
3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2, unless a counter-notice is served under Schedule A1 to the Act within that period. If a counter-notice is served, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". "A long tenancy which is about to expire" means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it is assumed that the landlord will take every opportunity to terminate the tenancy and the tenant will take every opportunity to retain or renew their interest.
5. The modifications are that the (c) may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (which must be not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

**Form For Giving Information
The Compulsory Purchase Order 20 (b)**

To: (c)

[I] [We](e) being [a person] [persons](e) who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of](e) that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

- 1. Name and address of informant(s) (i)
 - 2. Land in which an interest is held by informant(s) (ii)
 - 3. Nature of interest (iii)
- Signed
- [on behalf of](e)
- Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

NOTES ON THE USE OF FORM 9A

- (a) A confirmation notice of a compulsory purchase order under section 15 of the Acquisition of Land Act 1981 (or, in the case of a Ministerial order, a making notice under paragraph 6 of Schedule 1 to that Act) must :--
 - (i) contain a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (i.e. Part 1 of this Form); and
 - (ii) invite any person who, if a general vesting declaration were executed under section 4 of that Act, would be entitled to claim compensation, to give the acquiring authority information as to their name and address and the land in question, using a prescribed form (i.e. Part 2 of this Form).
- (b) Insert the title of the order as made or confirmed.
- (c) Insert the name of the acquiring authority, and define them by an appropriate term. Thereafter insert the definition wherever "(c)" appears in the text.
- (d) Schedule 1 to the confirmation notice (or, in the case of a Ministerial order, the making notice) of

a compulsory purchase order will contain a description of all the land (and/or new rights (if any)) comprised in the order. Part 1 of this Form should be inserted as a subsequent Schedule to the confirmation notice (or, in the case of a Ministerial order, the making notice).

(e) *Delete as appropriate.*

PART 2

Regulation 2(3)(c)

FORM 10

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 Welsh Ministers in exercise of their powers under the above Acts, on [(b)][made][confirmed][with modifications] (c) [the (d)] [submitted by the (e)][on behalf of the council of [insert name] (c)] (“the order”).
2. The order provides for the purchase of [the land][and][the new rights] (c) described in Schedule [1] below for the purposes of [(f)]. [By a direction given under [insert reference to the relevant legislation], consideration of the order, so far as it relates to the land described in Schedule 2 below, has been postponed until [insert relevant date].].
3. A copy of the order and the map referred to in the order, have been deposited at [insert place of deposit(g)] and may be seen at all reasonable hours.
4. The order 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 are 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 is subject to [procedures laid down in Standing Orders prepared by the National Assembly under section 31 of the Government of Wales Act 2006 and will become operative as provided by section 26 of the Acquisition of Land Act 1981] [special Parliamentary procedure and will become operative as provided by the [Statutory Orders (Special Procedure) Act 1945](h). [Unless the order is confirmed by Act of Parliament under section 6 of the 1945 Act, a] [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 are 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.
5. Once the order has become operative, (e) may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2

and 3 of that Act is set out in Schedule [2] / [3] (c) below.

6. Every person who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the (e) at (i) as to the person's name and address and the land in question, using a prescribed form. The relevant prescribed form is set out in Schedule [3] / [4] (c) below.

SCHEDULE 1

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

(j)

[SCHEDULE 2

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

(k)

SCHEDULE [2] / [3] (c)

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE
COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981 (l)

SCHEDULE [3] / [4] (c)

FORM FOR GIVING INFORMATION (m)

[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) *Insert the date of the making (for an order made by the Welsh Ministers) or confirmation (in other cases) of the order.*

(c) *Delete as appropriate.*

(d) *Insert the title of the order.*

(e) *Insert the name of the acquiring authority.*

(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) and be within reasonably easy reach of persons living in the area affected.*

(h) *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 for Wales under the Government of Wales Act 2006 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.

- (i) Insert the address of the acquiring authority where the information should be sent*
- (j) 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.*
- (k) Insert a description of the land (and/or new rights (if any)) comprised in the order in respect of which consideration has been postponed.*
- (l) Insert Part 1 of Form 9A*
- (m) Insert Part 2 of Form 9A*

PART 3

Regulation 2(3)(d)

FORM 11

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) ("the order")]. No objections to the order were received within the permitted period and, consequently, notification was given by the Welsh Ministers 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 provides for the purchase of [the land][and][the new rights] described in Schedule 1 below for the purposes of [(f)].
3. A copy of the order and of the map referred to in the order have been deposited at [*insert place of deposit*(g)] and may be seen at all reasonable hours.
4. The order 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 are 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.
5. Once the order has become operative, (b) may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the

Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.

6. Every person who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the (b) at (h) as to their name and address and the land in question, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

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

(i)

SCHEDULE 2

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

(j)

SCHEDULE 3

FORM FOR GIVING INFORMATION

(k)

[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 the address of the acquiring authority where the information should be sent*

(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) *Insert Part 1 of Form 9A*
- (k) *Insert Part 2 of Form 9A*