

Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57



Local Government (Miscellaneous Provisions) Act 1976 (1976 c 57)

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Land

13 Compulsory acquisition by local authorities of rights over land

(1) A local authority which may be authorised by a Minister of the Crown, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by that Minister, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order; and in this subsection “new rights” means rights which are not in existence when the order specifying them is made.

(2) . . . the Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights by virtue of the preceding subsection as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(3) Without prejudice to the generality of the preceding subsection, in relation to the purchase of rights in pursuance of subsection (1) of this section—

(a) . . .

(b) Part I of the said Act of 1965 . . . shall have effect with the modifications specified in Part II of Schedule 1 to this Act; and

(c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

(4) Nothing in the preceding provisions of this section shall authorise the purchase of any rights by an authority for a purpose for which there is power by virtue of [section 250 of the Highways Act 1980] (which relates to the compulsory acquisition of rights by highway authorities) to authorise the authority to acquire the rights.

[(5) In this section “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981, and Schedule 3 to that Act shall apply to the compulsory purchase of rights by virtue of subsection (1) above.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 83(2).

Appointment

Appointment: 14 February 1977: see SI 1977/68, art 2.

Extent

This Act does not extend to Scotland: see s 83(3).

Amendment

Sub-ss (2), (3): words omitted repealed by the Acquisition of Land Act 1981, s 34, Sch 6, Part I.

Sub-s (4): words in square brackets substituted by the Highways Act 1980, s 343(2), Sch 24.

Sub-s (5): substituted by the Acquisition of Land Act 1981, s 34, Sch 4, para 26.

Modification

This section applies in relation to a National Park authority as if the authority were a local authority for the purposes of this Act, by virtue of the Environment Act 1995, s 65, Sch 8, para 1(2).

See Further

See further: the High Speed Rail (London—West Midlands) Act 2017, s 49(7).

See further: the High Speed Rail (West Midlands—Crewe) Act 2021, s 45(8).

Transfer of Functions

Functions of the Minister of the Crown, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

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