

Acquisition of Land Act 1981 c. 67

s. 3 Minerals.



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Mining; Real property

Keywords

Compulsory purchase; Minerals; Mining

3. Minerals.

[Schedule 2](#) to this Act (exception of minerals from purchases etc.) shall have effect.

1 2

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 S. 4 ~applied by ~ applied by Dartford-Thurrock Crossing Act 1988 (c.20), ss.2(2), 19, Sch. 2 Pt. II para. 6

Part I GENERAL > Compulsory purchase > s. 3 Minerals.

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s. 5A Power to require information



Law In Force

Version 1 of 1

31 October 2004 - Present

Subjects

Real property

Keywords

Compulsory purchase; Information; Powers rights and duties

[

5A Power to require information

- (1) This section applies to information about land in relation to which an acquiring authority is entitled to exercise a power of compulsory purchase.
- (2) The acquiring authority may serve a notice on a person mentioned in subsection (4) requiring him to give to the authority in writing the following information—
 - (a) the name and address of any person he believes to be an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
 - (b) the name and address of any person he believes to have an interest in the land.
- (3) The power in subsection (2) is exercisable for the purpose of enabling the acquiring authority to acquire the land.
- (4) The persons are—
 - (a) the occupier of the land;
 - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee;
 - (c) any person who directly or indirectly receives rent for the land;
 - (d) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.
- (5) The notice must specify the period within which the information must be given to the acquiring authority (being a period of not less than 14 days beginning with the day on which the notice is served).
- (6) The notice must also specify or describe—
 - (a) the land,
 - (b) the compulsory purchase power, and
 - (c) the enactment which confers the power.
- (7) The notice must be in writing.

(8) [Section 6\(4\)](#) does not apply to notices to be served under this section.

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Notes

¹ Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.105\(2\)](#) (October 31, 2004)

Part I GENERAL > Supplemental > s. 5A Power to require information

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s. 12 Notices to owners, lessees, occupiers and others.



Law In Force With Amendments Pending

Version 6 of 8

31 January 2024 - Present

Subjects

Local government; Planning; Real property

Keywords

Compulsory purchase orders; Lessees; Notices; Occupiers; Owners

England

[

12.— Notices to owners, lessees, occupiers and others.

(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,

[

(ba) (subject to [section 11\(2A\)](#)) naming a place within the locality where a copy of the order and of the map referred to in it may be inspected,

(bb) specifying a website on which those copies may be viewed, and

] ¹⁰ [

(c) specifying the final day for making objections to the order, and the manner in which objections can be made.

] ¹¹

(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,
- (b) he falls within subsection (2A), or
- (c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of [Part 7](#) of the [Environment Act 2021](#)) relating to the land.

(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.

] ⁹

Wales

12.— Notices to owners, lessees [, occupiers and others] ¹ .

(1) The acquiring authority shall serve on every [qualifying person] ² 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, [...] ⁴
- (b) he falls within subsection (2A) [, or] ⁵

[

- (c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of [Part 7](#) of the [Environment Act 2021](#)) relating to the land.

] ⁵

(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

(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]⁶ . In this subsection “*ecclesiastical property*” means land belonging to any ecclesiastical benefice [of the Church of England]⁷ , or being or forming part of a church subject to the jurisdiction of the bishop of any diocese [of the Church of England]⁷ or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [...]⁸ .

Notes

- 1 Words substituted by Environment Act 2021 c. 30 [Sch.20 para.2\(2\)](#) (September 30, 2022)
- 2 Words substituted by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(5\)\(a\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
- 3 S.12(2)-(2B) substituted for s.12(2) by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 8 s.100\(5\)\(b\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
- 4 Word repealed by Environment Act 2021 c. 30 [Sch.20 para.2\(3\)\(a\)](#) (September 30, 2022)
- 5 Added by Environment Act 2021 c. 30 [Sch.20 para.2\(3\)\(b\)](#) (September 30, 2022)
- 6 Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(1\)\(a\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
- 7 Words inserted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(1\)\(b\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
- 8 Words repealed by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 [Sch.5 para.24\(1\)\(c\)](#) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
- 9 Word repealed by Levelling-up and Regeneration Act 2023 c. 55 [Pt 9 s.181\(4\)\(a\)](#) (January 31, 2024: 2023 c.55 s.181(4)(a) came into force on January 31, 2024 as specified in SI 2024/92 reg.2(j) for the limited purpose of making regulations; April 1, 2024 as SI 2024/389 reg.3(a) subject to transitional provision specified in SI 2024/389 reg.4 otherwise)
- 10 Added by Levelling-up and Regeneration Act 2023 c. 55 [Pt 9 s.181\(4\)\(b\)](#) (January 31, 2024: 2023 c.55 s.181(4)(b) came into force on January 31, 2024 as specified in SI 2024/92 reg.2(j) for the limited purpose of making regulations; April 1, 2024 as SI 2024/389 reg.3(a) subject to transitional provision specified in SI 2024/389 reg.4 otherwise)
- 11 Substituted by Levelling-up and Regeneration Act 2023 c. 55 [Pt 9 s.181\(4\)\(c\)](#) (January 31, 2024: 2023 c.55 s.181(4)(c) came into force on January 31, 2024 as specified in SI 2024/92 reg.2(j) for the limited purpose of making regulations; April 1, 2024 as SI 2024/389 reg.3(a) subject to transitional provision specified in SI 2024/389 reg.4 otherwise)

Part II PURCHASES BY LOCAL AND OTHER AUTHORITIES > Notices prior to submission of order to confirming authority > s. 12 Notices to owners, lessees, occupiers and others.

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s. 23 Grounds for application to High Court.



Law In Force

Version 2 of 2

1 October 1992 - Present

Subjects

Planning; Real property

Keywords

Applications; Authorisation; Compulsory purchase orders; High Court; Validity

23.— Grounds for application to High Court.

(1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in [section 1\(1\)](#) of this Act, he may make an application to the High Court.

(2) If any person aggrieved by—

- (a) a compulsory purchase order, or
- (b) a certificate under [Part III](#) of, or [Schedule 3](#) to, this Act,

desires to question the validity thereof on the ground that any relevant requirement has not been complied with in relation to the order or certificate he may make an application to the High Court.

(3) In subsection (2) above “*relevant requirement*” means—

- (a) any requirement of this Act, or of any regulation under [section 7\(2\)](#) above, or
- (b) any requirement of the [[Tribunals and Inquiries Act 1992](#)]¹ or of any rules made, or having effect as if made, under that Act.

(4) An application to the High Court under this section shall be made within six weeks—

- (a) in the case of a compulsory purchase order to which the [Statutory Orders \(Special Procedure\) Act 1945](#) applies (and which is not excluded by [section 27](#) below), from the date on which the order becomes operative under that Act,
- (b) in the case of a compulsory purchase order to which the said Act of 1945 does not apply, from the date on which notice of the confirmation or making of the order is first published in accordance with this Act,
- (c) in the case of a certificate, the date on which notice of the giving of the certificate is first published in accordance with this Act.

Notes

- 1 Words substituted by Tribunals and Inquiries Act 1992 c. 53 [Sch.3 para.14](#) (October 1, 1992)
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*Part IV VALIDITY AND DATE OF OPERATION OF ORDERS AND
CERTIFICATES. > s. 23 Grounds for application to High Court.*

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Schedule 2 MINERALS

para. 2



Law In Force

Version 1 of 1

30 January 1982 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Compulsory purchase orders; Mines; Undertakings

2.—

(1) The acquiring authority shall not be entitled to any mines under the land comprised in the compulsory purchase order unless they have been expressly purchased, and all mines under the land shall be deemed to be excepted out of the conveyance of that land unless expressly named and conveyed.

(2) Sub-paragraph (1) above shall not apply to minerals necessarily extracted or used in the construction of the undertaking.

[1](#) [2](#) [3](#)

Notes

- 1 Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10) (d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)
- 2 Sch. 2 excluded by Water Act 1989 (c.15), s. 159, (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

Notes

- 3 Sch.2, Pt. II applied by Channel Tunnel Act 1987 (c.53), s. 37(2), Sch. 5 Pt. III para. 4 and applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c.20), s.2(5), Sch. 2 Pt. II para. 4(1)
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Schedule 2 MINERALS > Part II > para. 2

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Schedule 2 MINERALS

para. 3



Law In Force

Version 2 of 2

1 June 2009 - Present

Subjects

Mining; Planning; Real property

Keywords

Acquisition of land; Authorisation; Compensation; Compulsory purchase orders; Inspections; Mines; Owners; Undertakings; Works notices

3.—

- (1) If the owner of any underlying mines or minerals desires to work them, he shall give the acquiring authority notice in writing of his intention to do so 30 days before the commencement of working.
- (2) On receipt of the notice the acquiring authority may cause the mines to be inspected by a person appointed by them for the purpose.
- (3) Subject to [paragraph 4\(1\)](#) below, if the acquiring authority consider that the working of the underlying mines or minerals is likely to damage the undertaking, and is willing to compensate the owner for all or any part of the mines, the owner shall not work or get them.
- (4) If the acquiring authority and the owner do not agree on the amount of compensation the question shall be referred to and determined by the [Upper Tribunal] ¹.

Notes

- ¹ Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 [Sch.1 para.151](#) (June 1, 2009)

Schedule 2 MINERALS > Part III > para. 3

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