STATUTORY INSTRUMENTS

1977 No. 1378

NEW TOWNS

The New Towns in Rural Wales (Compulsory Purchase of Land) Regulations 1977

Made - - - -	*27th July* 1977
Laid before Parliament	*17th August* 1977
Coming into Operation	*7th September* 1977

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 5 and 29 of and paragraphs 3, 4, 7, 15, 16, 17, 18, 21, 54 and 56(1) of Schedule 3 to the Development of Rural Wales Act 1976(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Application, commencement and citation

1. These regulations apply to Wales, come into operation on 7th September 1977 and may be cited as the New Towns in Rural Wales (Compulsory Purchase of Land) Regulations 1977.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

"the Act" means the Development of Rural Wales Act 1976;

"the Board" means the Development Board for Rural Wales, established by section 1 of the Act.

(2) In these regulations, any reference to a numbered form is a reference to the form bearing that number in the Schedule hereto, or a form substantially to the like effect.

(3) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended, or applied by or under any other enactment.

(4) The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Prescribed forms

3. The prescribed forms for the under-mentioned provisions of Schedule 3 to the Act shall be as follows:—

(*a*) for the purposes of paragraph 3(1), the form of compulsory purchase order shall be form 1, or if the order provides for the vesting of land given in exchange pursuant to paragraph 15 of Schedule 3, form 2;

(*b*) for the purposes of paragraph 4(1), the form of notice to be published or, where applicable, personal notice to be served, concerning a compulsory purchase order, shall be form 3;

(**a**) 1976 c. 75. (**b**) 1889 c. 63.

(*c*) for the purposes of paragraph 7, the form of notice of confirmation of a compulsory purchase order shall be form 4;

(*d*) for the purposes of paragraph 15(4), the form of newspaper notice stating that a certificate has been given under paragraph 15 of Schedule 3, shall be form 5;

(*e*) for the purposes of paragraph 16(3), the form of representation by statutory undertakers that land is operational land and request for that land to be excluded from a compulsory purchase order, shall be form 6;

(*f*) for the purposes of paragraph 17, the form of application by the Board or a local highway authority for a compulsory purchase order relating to operational land of statutory undertakers, shall be form 7;

(*g*) for the purposes of paragraph 18, the form of notice to owners, lessees and occupiers of an application for a compulsory purchase order in respect of operational land of statutory undertakers, shall be form 8;

(*h*) for the purposes of paragraph 21, the form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of operational land of statutory undertakers, shall be form 9.

Prescribed particulars

4. The particulars of the interest of an owner or occupier for the purposes of paragraph 7 (*a*) of Schedule 3 to the Act shall be the name and postal address of the owner or occupier, a statement of the nature of the interest of the owner or occupier, and particulars sufficient to enable the acquiring authority to identify the extent and boundaries of the land in respect of which the person giving the particulars is owner or occupier.

Marking of documents

5. Any document which is to be served on a person as having an interest in premises, or on a person as an occupier of premises, in the manner provided by paragraph 54(2)(*b*) of Schedule 3 to the Act shall, at the beginning of that document, have clearly and legibly marked upon it, in the following form, the words:

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY

and where such document is not sent in a pre-paid registered letter or by the recorded delivery service but is delivered under cover to some person on the premises (in accordance with the said paragraph) the cover shall also be marked in like manner.

SCHEDULE

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FORM 1

COMPULSORY PURCHASE ORDER

Development of Rural Wales Act 1976

The hereby make(s) the following order:—

1. Subject to the provisions of this order the said [is,] [are,] under (a) [of] [to] the Development of Rural Wales Act 1976), hereby authorised to purchase [to] compulsorily for the purpose of (b) the land which is described in the Schedule hereto and is delineated and shown ..... (c) on the map prepared in duplicate, sealed with the common seal of the said and marked "Map referred to in the Compulsory Purchase Order 19 ". One duplicate of the map is deposited in the offices of the said and the other is deposited in the offices of the Secretary of State for Wales.

[2. (d) In relation to the foregoing purchase, section 77 of the Railways Clauses Consolidation Act 1845 [and sections 78 to 85 of that Act excluding any amendment thereof by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the Development of Rural Wales Act 1976, subject to the modifications that (e).]

3. This order may be cited as the Compulsory Purchase Order 19 .

SCHEDULE

Number on Map	Extent, description and situation of the land (g)	Owners or reputed owners
(1)	(2)	(3)

(h)

[(j) The order includes land falling within special categories to which paragraphs 14 and 15 of Schedule 3 to the Development of Rural Wales Act 1976 apply, namely—

Number on map Description]

Date (k)

For notes see after Form 2.

FORM 2

COMPULSORY PURCHASE ORDER

(Providing for the vesting of exchange land)

Development of Rural Wales Act 1976

The hereby make(s) the following order:—

1. Subject to the provisions of this order the said [is,] [are,] under (a) [of] [to] the Development of Rural Wales Act 1976, hereby authorised to purchase compulsorily for the purpose of (b) the land which is described in the Schedule hereto and is delineated and shown (c) on the map prepared in duplicate, sealed with the common seal of the said and marked "Map referred to in the Compulsory Purchase Order 19 ". One duplicate of the map is deposited in the offices of the said and the other is deposited in the offices of the Secretary of State for Wales.

[2. (d) In relation to the foregoing purchase, section 77 of the Railways Clauses Consolidation Act 1845 [and sections 78 to 85 of that Act excluding any amendment thereof by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the Development of Rural Wales Act 1976, subject to the modifications that (e).]

3.—(1) In this article "the order land" means (f) [the land referred to in article 1 hereof] [the land described as in Schedule 1 hereto] and "the exchange land" means the land which is described in Schedule 2 hereto and is delineated and shown (c) on the said map.

(2) As from the date on which this order becomes operative or the date on which the order land, or any of it, is vested in the said (whichever is the later), the exchange land shall vest in the persons in whom the order land was vested immediately before that date, subject to the like rights, trusts and incidents as attached thereto; and the order land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.

4. This order may be cited as the Compulsory Purchase Order 19 .

SCHEDULE 1

Land to be Purchased

Number on Map	Extent, description and situation of the land (g)	Owners or reputed owners
(1)	(2)	(3)
(h)		

[(j) The order includes land falling within special categories to which paragraphs 14 and 15 of Schedule 3 to the Development of Rural Wales Act 1976 apply, namely:—

Number on Map Description]

SCHEDULE 2

Exchange land

Date (k)

NOTES TO FORMS 1 AND 2

(a) Insert the section, sub-section and paragraph of (e.g. 6(1)(*b*)) or paragraph and Schedule to the Development of Rural Wales Act 1976 conferring power to acquire the land compulsorily.

(b) Describe the purpose by reference to the words of the relevant sub-section of section 1 or sub-paragraph of paragraph 2(1) of Schedule 3 to the Development of Rural Wales Act 1976. Where those words are in general terms covering a range of purposes, the particular purpose for which the land is required should be stated if possible.

(c) Describe the colouring 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 should be clearly delineated. Also the map itself should contain sufficient detail to enable the situation of the land to be readily identified and related to the description given in the Schedule. Maps should normally be on a scale of 1/500 or 1/1250.

(d) This article may be omitted or may be inserted with or without reference to sections 78 to 85.

(e) Insert any consequential modifications required—e.g. "references in the said [section] [sections] to the company shall be construed as references to the said and references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon".

(f) Use the first alternative if the whole of the land referred to in article 1 falls within paragraph 15 of Schedule 3 to the Development of Rural Wales Act 1976. Otherwise use the second alternative and specify the parcel number(s) of the land which does fall within paragraph 15.

(g) This column should contain sufficient detail to tell the reader approximately where the land is situated, without reference to the map. In describing the land regard should be had (where appropriate) to Note (k) below.

(h) Column (1) need not be completed where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1). Column (3) should be completed even where the acquiring authority has not been required to serve owners personally. If the name of an owner is not known, column 3 should be endorsed "unknown".

(j) The compulsory acquisition of land—

(i) which is the property of a local authority,

(ii) held inalienably by the National Trust, or

(iii) forming part of a common, open space or fuel or field garden allotment,

is subject to paragraphs 14 or 15 of Schedule 3 to the Development of Rural Wales Act 1976 and consequently may be subject to special parliamentary procedure in certain circumstances.

The column "description" need only refer to the special category into which the relevant parcel of land falls.

(k) The order should be made under seal, duly authenticated and dated.

FORM 3

PUBLISHED NOTICE OR PERSONAL NOTICE THAT A COMPULSORY PURCHASE ORDER HAS BEEN SUBMITTED FOR CONFIRMATION

Development of Rural Wales Act 1976

Compulsory Purchase of Land in (a)

[To: (b)]

1. The on made the Compulsory Purchase Order 19 under (c) of the Development of Rural Wales Act 1976. The said [has] [have] submitted this order to the Secretary of State for confirmation, and if confirmed, the order will authorise the said to purchase compulsorily the land described below for the purpose of (d).

2. A copy of the order and of the accompanying map may be seen at all reasonable hours at (e).

3. Any objection to the order must be made in writing to the Secretary, Welsh Office, Cathays Park, Cardiff CF1 3NQ before (f). The objection should state the title of the order, and must include or be accompanied by a statement of the grounds of the objection.

4. The Secretary of State is not required in every case to arrange for a public local inquiry to be held or for objectors to be heard by a person appointed by him for that purpose. It is important, therefore, that the statement included in or accompanying an objection should set out the grounds of the objection as fully as possible, since the objector may have no opportunity to present his case at an inquiry or hearing or to make a further statement in writing.

5. Any owner or occupier of any of the land to which the order relates may (whether or not he makes an objection to the order) send to (g) a request in writing that, in the event of the order being confirmed by the Secretary of State, he be served with a notice stating that the order has been confirmed and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen. Any such request must state the name and postal address of the owner or occupier making it, must state the nature of his interest in the land and must include sufficient particulars to enable the extent and boundaries of his land to be identified.

Description of Land

(h)

[Date and signature]

NOTES

(a) Insert the name of the area in which the land concerned is situated.

(b) Omit when the Form is used for a published notice. When the Form is used for a personal notice served on an owner of the land, insert the name and address of the person on whom the notice is to be served.

(c) Insert the section, sub-section and paragraph of or paragraph and Schedule to the Act as these are cited in the order.

(d) Insert the purpose as cited in the order.

(e) State the place where the order has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.

(f) Insert a date at least 28 days from the date of first publication of the notice in a newspaper circulating in the locality (i.e. 28 days excluding the date of first publication).

(g) Insert name and address of the acquiring authority.

(h) Insert description of all the land 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 land is included.

FORM 4

PUBLISHED NOTICE OR PERSONAL NOTICE OF CONFIRMATION OF A COMPULSORY PURCHASE ORDER

Development of Rural Wales Act 1976

[To: (a)]

1. Notice is hereby given that the Secretary of State, in exercise of his powers under the above Act, on confirmed [with modifications] the Compulsory Purchase Order 19 submitted by the .

2. The order as confirmed provides for the purchase for the purpose of (b) of the land described in the Schedule hereto.

3. A copy of the order as confirmed by the Secretary of State and of the map referred to therein have been deposited at (c) and may be seen there at all reasonable hours.

4. (d) The order as confirmed becomes operative on the date on which this notice is first published; but a person aggrieved by the order may, by application to the High Court within six weeks from that date, question its validity on the grounds (i) that the order is not within the powers of the Act or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

4. The order as confirmed is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a

person aggrieved by the order may, by application to the High Court within six weeks from the operative date, question its validity on the grounds (i) that the order is not within the powers of the Act, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

SCHEDULE

Land Comprised in the Order as Confirmed

(e)

[Date and signature]

NOTES

(a) Omit when the Form is used for a published notice. When the Form is used for a personal notice served on the owner etc. of the land, insert the name and address of the person on whom the notice is served.

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

(c) State the place where the order has been deposited for inspection. This should be within reasonably easy reach of persons living within the area affected.

(d) Leave standing whichever alternative is appropriate.

(e) Where this Form is to include the statement concerning general vesting declarations, the statement should be included at this point.

FORM 5

NOTICE OF GIVING OF CERTIFICATE UNDER PARAGRAPH 15 OF SCHEDULE 3 TO THE DEVELOPMENT OF RURAL WALES ACT 1976

Development of Rural Wales Act 1976

1. The Compulsory Purchase Order 19 which has been [submitted by (a) to the Secretary of State for confirmation] [prepared in draft by the Secretary of State] includes the land described in the Schedule hereto.

2. This land [is] [forms part of] [a common] [an open space] [a fuel or field garden allotment].

3. Notice is hereby given that the Secretary of State in exercise of his powers under paragraph 15 of Schedule 3 to the Development of Rural Wales Act 1976 has certified (b).

4. A map showing the land to which the certificate relates (and the land proposed to be given in exchange) may be inspected at (c) at all reasonable hours.

5. The certificate becomes operative on the date on which this notice is first published; but a person aggrieved by the certificate may, by application to the High Court within six weeks from that date, question its validity on the grounds (i) that the certificate is not within the powers of the Act, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the certificate.

SCHEDULE

(d)

[Date and Signature]

NOTES

(a) Insert the name of the Development Board for Rural Wales or local highway authority making the compulsory purchase order, as appropriate.

(b) Insert the terms of the certificate.

(c) State where a copy of the certificate has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.

(d) Insert description of the land to which the certificate relates.

FORM 6

REPRESENTATION BY STATUTORY UNDERTAKERS WITH RESPECT TO A COMPULSORY PURCHASE ORDER

Development of Rural Wales Act 1976

[Title of Compulsory Purchase Order]

To: (a)

The (b), being statutory undertakers hereby make—

(i) a representation in accordance with paragraph 16(3) of Schedule 3 to the Development of Rural Wales Act 1976 that land, particulars of which are set out in the Schedule hereto, being the whole or part of land to which the above Compulsory Purchase Order relates, is operational land, and

(ii) a request for that land to be excluded from the order.

SCHEDULE

Extent, description and situation of the land	Interest of undertakers in the land	Purpose for which the land is held by the undertakers and (if different) present use of the land
(1)	(2)	(3)

[Date and Signature]

NOTES

(a) Insert the name and address of the appropriate Minister as respects the statutory undertakers concerned.

(b) Insert the name and address of the statutory undertakers.

FORM 7

APPLICATION FOR A COMPULSORY PURCHASE ORDER RELATING TO OPERATIONAL LAND OF STATUTORY UNDERTAKERS

Development of Rural Wales Act 1976

The (a) hereby make(s) an application in accordance with paragraph 16(1) of Schedule 3 to the Development of Rural Wales Act 1976 to the Secretary of State [and (b)] for an order to be made by [them] [him] authorising the said to purchase compulsorily for the purpose of (c) the land which is operational land (as defined in section 34(1) of the said Act) of the (d) and which is described in the Schedule hereto and is delineated and shown (e) on the map annexed hereto and marked "Map referred to in an application for a Compulsory Purchase Order dated ".

SCHEDULE

Number on Map	Extent, description and situation of the land (f)	Owners or reputed owners	Lessees or reputed lessees	Occupiers
(1)	(2)	(3)	(4)	(5)

(g)

[Date and signature]

NOTES

(a) Insert the name and address of the Development Board for Rural Wales or local highway authority making the application.

(b) Insert the name of the appropriate Minister as respects the statutory undertakers, where the appropriate Minister is not the Secretary of State for Wales.

(c) Describe the purpose by reference to the words of the relevant sub-section of section 1 or sub-paragraph of paragraph 2(1) of Schedule 3 to the Development of Rural Wales Act 1976. Where those words are in general terms covering a range of purposes, the particular purpose for which the land is required should be stated if possible.

(d) Insert name of statutory undertakers.

(e) Describe the colouring or other method used to identify the land on the map. The map should contain sufficient detail to enable the situation of the land to be readily identified and related to the description given in the Schedule. Maps should normally be on a scale of 1/500 or 1/1250.

(f) This column should contain sufficient detail to tell the reader approximately where the land is situated, without reference to the map.

(g) Column (1) need not be completed where the order relates only to one parcel of land. Where there are two or more parcels they should be numbered 1, 2 etc. on the map and referred to accordingly in column (1).

FORM 8

PERSONAL NOTICE OF APPLICATION FOR COMPULSORY PURCHASE ORDER OF OPERATIONAL LAND OF STATUTORY UNDERTAKERS

Development of Rural Wales Act 1976

To:

1. The in exercise of [its] [their] powers under paragraph 16(1) of Schedule 3 to the above Act on 19 applied to the Secretary of State [and (a)] for an order to be made authorising the said to purchase compulsorily for the purpose of (b) the land described below which is operational land (as defined in section 34(1) of the said Act) of the (c).

2. A copy of the application and of the map referred to therein have been deposited at (d) and may be seen there at all reasonable hours.

3. If no objection is duly made by an owner, lessee or occupier of any land to which the application relates, or if all objections so made are withdrawn the Secretary of State [and (a)] may, if [they think] [he thinks] fit make a compulsory purchase order in accordance with the application, with or without modifications.

4. If any objection is duly made by any such owner, lessee or occupier and is not withdrawn the Secretary of State [and (a)] [are] [is] required before making an order on the application to consider the objection and if either the person by whom the objection was made or the acquiring authority so desire, to afford that person and the acquiring authority an opportunity of appearing before and being heard by a person appointed by the said Secretary of State [and (a)].

5. Any objection to the application must be made in writing to the Secretary, Welsh Office, Cathays Park, Cardiff, CF1 3NQ before (e). The objection should state the title of the order and must include or be accompanied by a statement of the grounds of the objection.

Description of Land

(f)

[Date and signature]

NOTES

(a) Insert the name of the appropriate Minister as respects the statutory undertakers, where the appropriate Minister is not the Secretary of State for Wales.

(b) State purpose as set out in the application for the order.

(c) State name of statutory undertakers.

(d) State the place where the application has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.

(e) Insert a date at least 28 days from the service of the notice (i.e. 28 days excluding the date of service).

(f) Insert description of all the land comprised in the application. This need not repeat the Schedule to the application, but must be in terms from which persons interested can readily see how their land is affected.

FORM 9

PERSONAL NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER FOR OPERATIONAL LAND OF STATUTORY UNDERTAKERS

Development of Rural Wales Act 1976

[Title of Compulsory Purchase Order]

To:

1. Notice is hereby given that the Secretary of State [and (a)] in exercise of [their] [his] powers under paragraph 16(1) of Schedule 3 to the above Act on 19 made an order [generally] (b) in accordance with an application submitted to [them] [him] by the authorising the said to purchase compulsorily for the purpose of (c) the land in the Schedule hereto.

2. A copy of the order and of the map referred to therein have been deposited at (d) and may be seen there at all reasonable hours.

3. (e) The order as made becomes operative on the date on which service of [this notice is effected] [this notice and any other notices required by paragraph 21 of Schedule 3 to the above Act is completed] (f); but a person aggrieved by the order may, by application to the High Court within six weeks from that date, question its validity on the grounds (i) that the order is not within the powers of the Act, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

OR

3. The order as made is subject to special parliamentary procedure and will become operative as provided by the Statutory Orders (Special Procedure) Act 1945. Unless the order is confirmed by Act of Parliament under section 6 of that Act, a person aggrieved by the order may, by application to the High Court within six weeks from the operative date, question its validity on the grounds (i) that the order is not within the powers of the Act, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

SCHEDULE

Land Comprised in the Order as Made

[Date and Signature]

NOTES

(a) Insert the name of the appropriate Minister as respects the statutory undertakers, where the appropriate Minister is not the Secretary of State for Wales.

(b) Omit if the order was made in accordance with the application without modification.

(c) Insert the purpose as stated in the application.

(d) State the place where the order has been deposited for inspection. This should be within reasonably easy reach of persons living in the area affected.

(e) Leave standing whichever alternative is appropriate.

(f) If all the land is vested in a single owner-occupier, delete the second sentence in square brackets; otherwise delete the first sentence.

John Morris,

Secretary of State for Wales.

27th July 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The functions of the Development Board for Rural Wales, established by the Development of Rural Wales Act 1976 (c. 75), include the development of any area duly designated as the site of a new town which falls within the area for which the Board is responsible under that Act. The 1976 Act confers upon the Board, on local highway authorities and on the Secretary of State powers of compulsory purchase in relation to land required in connection with the development of any such new town, which have to be exercised in accordance with Part III of Schedule 3 to the 1976 Act.

These Regulations prescribe:—

(*a*) the forms of orders to be used by the Board and by local highway authorities and of notices to be used by the Board, local highway authorities and the Secretary of State when exercising their powers of compulsory purchase in accordance with Part III of Schedule 3;

(*b*) the form to be used by statutory undertakers when making representations in accordance with the provisions of paragraph 16(3) of Schedule 3 in relation to a compulsory purchase order made in accordance with Part III of Schedule 3;

(*c*) the form of application by the Board or a local highway authority for a compulsory purchase order relating to operational land of statutory undertakers;

(*d*) the particulars which an owner or occupier of land is required to give to the acquiring authority where he wishes to be served with notice of the confirmation of a compulsory purchase order affecting his land;

(*e*) the manner of marking any document served on a person of unknown identity under the provisions of Schedule *3*, which ensures that the document should be identifiable as a communication of importance.

Equivalent forms, particulars and marking are prescribed by the New Towns (Compulsory Purchase of Land) Regulations 1977 (S.I. 1977/549) in connection with the making and confirmation of compulsory purchase orders under the provisions of the New Towns Act 1965 (c. 59).

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