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STATUTORY INSTRUMENTS

2017 No. 1073

INFRASTRUCTURE PLANNING

**The Infrastructure Planning (Compulsory Acquisition)
(Amendment) (No. 2) Regulations 2017**

<i>Made</i>	- - - -	<i>7th November 2017</i>
<i>Laid before Parliament</i>		<i>9th November 2017</i>
<i>Coming into force</i>	- -	<i>30th November 2017</i>

The Secretary of State, in exercise of the powers conferred by sections 134(7), 232(3) and 235(1)(a) of the Planning Act 2008(b), makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Infrastructure Planning (Compulsory Acquisition) (Amendment) (No. 2) Regulations 2017.

(2) These Regulations come into force on 30th November 2017.

(3) These Regulations have effect only in relation to an order granting development consent made on or after 30th November 2017.

Amendments to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

2.—(1) Schedule 1 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(c) is amended as follows.

(2) In Form A, in the fourth paragraph—

- (a) for “during” substitute “before the end of”; and
- (b) after “beginning with” insert “the day after”.

Signed by authority of the Secretary of State for Communities and Local Government

7th November 2017

Alok Sharma
Minister of State
Department for Communities and Local Government

(a) See section 235 of the Planning Act 2008 (c.29) for the definition of “prescribed”.
(b) 2008 c. 29. Section 118(1)(b) was amended by section 92(4)(a) of the Criminal Justice and Courts Act 2015 (c. 2).
(c) S.I. 2010/104, amended by S.I. 2017/105; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (S.I. 2010/104).

Those Regulations were amended by the Infrastructure Planning (Compulsory Acquisition) (Amendment) Regulations 2017 (S.I. 2017/105) (“the Amendment Regulations”) to prescribe a new Form A. Form A prescribes the form in which a compulsory acquisition notice under section 134(7) of the Planning Act 2008 (c. 29) must be made. Section 134 of that Act only applies if an order granting development consent under that Act includes provision authorising compulsory acquisition of land. Form A states that a person aggrieved by the development consent order may challenge the order only in accordance with section 118 of that Act.

Section 118 specifies the period in which a claim form for judicial review must be filed. Section 118 was amended by section 92(4) (a) of the Criminal Justice and Courts Act 2015 (c. 2) to change the calculation of the period in which the claim form must be filed. The Amendment Regulations were defective in that they did not reflect the 2015 amendments. These Regulations correct that defect.

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

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