

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**NOTICE SPECIFYING LAND AND STATING EFFECT OF  
GENERAL VESTING DECLARATION (GVD NO.4)**

**The Nuneaton and Bedworth Borough Council (Camp Hill Phase 3 – Queen Elizabeth Road, Hazel Road, Ludford Road, Spring Hill Road and Rowan Road) Compulsory Purchase Order 2010**

To: The Unknown Owners, Lessees, Tenants and Occupiers of this land comprising all interests in 371.1 square metres of rough land situated between 23 and 22 Ludford Road including the half width of the northern side of the public highway known as Ludford Road and the half-width of the southern side of the public highway known as Spring Hill Road, excepts interests owned by the acquiring authority and the highway authority.

**NOTICE IS HEREBY GIVEN** that Nuneaton and Bedworth Borough Council ("the Council") on 17<sup>th</sup> April 2012 made a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act") vesting the land described in the Schedule to this notice ("the land") in themselves as from the end of the period of 28 days from the date on which the service of the notices required by section 6 of the Act is completed.

The Council will in due course tell you the date on which the service of the notices was completed.

The effect of the general vesting declaration is as follows:-

On the first day after the end of the period referred to in the first paragraph of this notice ("the vesting date") the land, together with the right to enter upon and take possession of it, will vest in the Council.

Also, on the vesting date the Acts providing for compensation will apply as if, on the date on which the general vesting declaration was made (namely, 17<sup>th</sup> April 2012), a notice to treat had been served on every person on whom the Council could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the vesting date and any person entitled to a "minor tenancy" or a "long tenancy which is about to expire". These expressions are defined in Appendix A to this notice).

If the land includes any land in which there is a minor tenancy or a long tenancy which is about to expire, the right of entry will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the Council having served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of a specified period (at least 14 days from the date of the service of the notice) they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

Schedule 1 to the Act contains supplementary provisions as to general vesting declarations. These provisions are set out in Appendix B to this notice.

A copy of the general vesting declaration to which this notices refers and of the plan annexed to the declaration can be inspected between 10.00 am to 1.00 pm and 2.00 pm and 5.00 pm on Monday, 12.00 pm to 7.00 pm on Wednesday, 2.00 pm to 5. 00. pm. on Friday and 10.00 am to 1.00 pm and 2.00 pm to 4.00 pm on Saturday at Camp Hill Library and Information Centre, New Community Centre, Cedar Road, Camp Hill, Nuneaton, Warwickshire CV10 9DN; between 8.30 am to 7.00 pm on Monday, 10 am to 6.00 pm on Tuesday, 8.30 am to 6.00 pm on Wednesday to Friday, 9.00 am to 4.00 pm on Saturday and 10.00 am to 2.00 pm on Sunday at Nuneaton

Library, Church Street, Nuneaton, Warwickshire, CV11 4DR; and between 9.00 am to 5.00 pm Monday to Friday at the offices of Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, Nuneaton, Warwickshire, CV11 5AA and are available for inspection on the Council's website <http://www.nuneatonandbedworth.gov.uk..>

## **SCHEDULE**

### **LAND COMPRISED IN THE GENERAL VESTING DECLARATION**

<b>Plot No</b>	<b>Plot Description</b>
40	All interests in 371.1 square metres of rough land situated between 23 and 22 Ludford Road including the half width of the northern side of the public highway known as Ludford Road and the half width of the southern side of the public highway known as Spring Hill Road, except interests owned by the acquiring authority and the highway authority.

Note: References to the plots numbers above are references to the plot numbers on the map referred to in the general vesting declaration and on the map annexed thereto.

## **APPENDIX A**

### **DEFINITIONS OF "MINOR TENANCY" AND "LONG TENANCY WHICH IS ABOUT TO EXPIRE"**

<b>"minor tenancy"</b>	means a tenancy for a year or from year to year, or any lesser interest;
<b>"long tenancy which is about to expire"</b>	in relation to a general vesting declaration, 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 specified period (that is to say one year and one day).

## **APPENDIX B**

### **SUPPLEMENTARY PROVISIONS AS TO VESTING DECLARATIONS**

#### **COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981**

##### **SCHEDULE 1**

##### **DIVIDED LAND**

##### **PART 1**

##### **BUILDINGS AND GARDENS, ETC**

#### **INTERPRETATION OF PART 1**

1. In this Part of this Schedule:-

“notice of objection to severance” means a notice under paragraph 2(1) below, and  
“land proposed to be severed” means land in respect of which notice of objection to severance is served.

#### **OBJECTION TO SEVERANCE**

- 2.

- (1) If a general vesting declaration comprises part only of –

- (a) any house, building or factory, or
- (b) a park or garden belonging to a house,

any person who is able to sell the whole of the house, building, factory, park or garden may by notice served on the acquiring authority require them to purchase his interest in the whole.

- (2) Except as provided by paragraph 10 below, a notice under this paragraph shall not have effect if it is served more than 28 days after the date on which notice under section 6 of this Act is served on the person giving notice under this paragraph.

- (3) Section 8(1) of the Compulsory Purchase Act 1965 (which makes other provision for objection to severance of buildings, gardens, etc) shall not apply to land in respect of which a general vesting declaration is made.

3. Where notice of objection to severance is served within the time allowed in accordance with paragraph 2(2) above then notwithstanding section 8 of this Act-

- (a) the interest in respect of which the notice is served shall not vest in the acquiring authority, and
- (b) if he is entitled to possession of the land, the acquiring authority shall not be entitled to enter upon or take possession of it,

until the notice has been disposed of in accordance with the following provisions of this Schedule.

## RESPONSE BY ACQUIRING AUTHORITY TO OBJECTION TO SEVERANCE

4.

(1) Within 3 months after a person has served on an acquiring authority a notice of objection to severance, the authority shall either:

- (a) serve notice on him withdrawing the notice to treat deemed to have been served on him in respect of his interest in the land proposed to be severed, or
- (b) serve notice on him that the general vesting declaration shall have effect, in relation to his interest in the land proposed to be severed, as if the whole of that land had been comprised in the declaration (and in the compulsory purchase order, if part only of that land was comprised in that order), or
- (c) refer the notice of objection to severance to the Upper Tribunal and notify him that it has been so referred.

(2) Sub-paragraph (1)(a) above has effect notwithstanding section 7(3) of this Act.

5. If the acquiring authority do not take action in accordance with paragraph 4 above within the period allowed by that paragraph then at the end of that period they shall be deemed to have acted in accordance with sub-paragraph (1)(a) of that paragraph.

6. Where in accordance with paragraph 4 or paragraph 5 above the notice to treat deemed to have been served in respect of a person's interest in the land proposed to be severed is withdrawn, or is deemed to have been withdrawn-

- (a) that interest shall not vest in the acquiring authority by virtue of the general vesting declaration, and
- (b) if he is entitled to possession of that land, the acquiring authority shall not be entitled by virtue of that declaration to enter upon or take possession of it.

7. Where an acquiring authority take action in accordance with paragraph 4(1)(b) above, the general vesting declaration (and, where applicable, the compulsory purchase order) shall have effect as mentioned in that sub-paragraph, whether apart from this Part of this Schedule the acquiring authority could have been authorised to acquire the interest in question in the whole of the land proposed to be severed or not.

8.

(1) Where in accordance with paragraph 4(1)(c) above an acquiring authority refer a notice of objection to severance to the Upper Tribunal, and on that reference the Tribunal determines that the part of the land proposed to be severed which is comprised in the general vesting declaration can be taken-

- (a) in the case of a house, building or factory, without material detriment, or
- (b) in the case of a park or garden, without seriously affecting the amenity or convenience of the house,

paragraph 3 above shall thereupon cease to have effect in relation to that notice.

(2) In making a determination under this paragraph in any of the cases in sub-paragraph (1)(a) or (b) above the Tribunal shall take into account not only the effect of the

severance but also the use to be made of the part proposed to be acquired, and in a case where the part is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.

9.

- (1) If on such a reference the Upper Tribunal does not make a determination in accordance with paragraph 8 above, the Tribunal shall determine the area of that land (being the whole of it or a part of it which includes the part comprised in the general vesting declaration) which the acquiring authority ought to be required to take; and the general vesting declaration shall have effect, in relation to the interest in that area of the person who served the notice of objection to severance, as if the whole of that area had been comprised in the general vesting declaration, whether apart from this Part of this Schedule the acquiring authority could have been authorised to acquire that interest in the whole of that area or not.
- (2) Where sub-paragraph (1) above applies, and part of the area determined by the Upper Tribunal was not comprised in the compulsory purchase order, the general vesting declaration shall have effect as mentioned in that sub-paragraph as if the whole of that area had been comprised in the compulsory purchase order as well as in the declaration.

#### **LATE SERVICE OF NOTICE OF OBJECTION TO SEVERANCE**

10.

- (1) Where in accordance with paragraph 2(1) above a person is entitled to serve a notice of objection to severance, and it is proved-
  - (a) that he never received the notice required by section 6 of this Act to be served on him, or received that notice less than 28 days before, or on or after, the date on which the period specified in the general vesting declaration expired, and
  - (b) that a notice of objection to severance served by him was served not more than 28 days after the date on which he first had knowledge of the execution of the general vesting declaration,that notice shall have effect notwithstanding that it is served after the time allowed in accordance with paragraph 2(2) above has expired.
- (2) Where in the circumstances specified in sub-paragraph (1) above, a person serves a notice of objection to severance after the end of the period specified in the general vesting declaration, -
  - (a) paragraphs 3 and 6 above shall not have effect in relation to that notice;
  - (b) paragraph 4 above shall have effect in relation to that notice as if sub-paragraph (1)(a) of that paragraph were omitted,
  - (c) paragraph 5 above shall have effect in relation to that notice with the substitution for the words "sub-paragraph (1)(a)" of the words "sub-paragraph (1)(b)" and
  - (d) paragraph 8 above shall not have effect in relation to that notice, but without prejudice to the making by the Tribunal of any such determination as is mentioned in that paragraph.

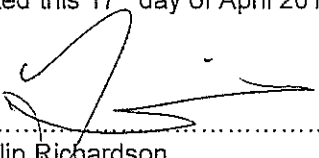
**PART II**  
**RENTCHARGES AND TENANCIES**

11.

- (1) Where land specified in a general vesting declaration is, together with other land not so specified, charged with a rentcharge, such proportion of the rentcharge as may be apportioned under section 18 of the Compulsory Purchase Act 1965 to the first-mentioned land shall, subject to sub-paragraph (3) below, be treated as having been extinguished by virtue of Part III of this Act on the vesting of that land in an acquiring authority under that Part.
- (2) Where by virtue of sub-paragraph (1) above, a portion of the rentcharge is treated as having been extinguished, the provisions of section 18 of the Compulsory Purchase Act 1965 shall have effect as if the extinguishment had taken place under that section.
- (3) If, in the circumstances described in sub-paragraph (1) above, the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said section 18 shall have effect as if, at the time of the vesting of the land in the acquiring authority under Part III of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in sub-section (2) of that section; and in that case no part of the rentcharge shall be treated as having been extinguished as regards the remaining part of the land charged therewith.
- (4) In this paragraph "rentcharge" has the same meaning as in section 18 of the Compulsory Purchase Act 1965.

12. Where land specified in a general vesting declaration is, together with other land not so specified, comprised in a tenancy for a term of years unexpired, section 19 of the Compulsory Purchase Act 1965 shall have effect in relation thereto as if for references to the time of the apportionment of rent therein mentioned there were substituted references to the time of vesting of the tenancy in the acquiring authority.

Dated this 17<sup>th</sup> day of April 2012



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