

THE CPO PROCESS

This note provides a very brief and simplified description of the Compulsory Purchase procedure. The process outlined below is dependent on the initial investigations (e.g. agreement of the extent of the site and full title investigations) being successfully undertaken. It should also be noted that every effort should be made to acquire by agreement and CPO is used as a last resort.

Once the above initial investigations have been carried out, the process for this scheme is briefly outlined below:-

- a) Executive resolution to declare and make a CPO.
- b) Preparation of statement of reasons – justification on why the CPO is required.
- c) Making the Order and notifying known owners and occupiers then submitting the Order to the Secretary of State (SOS) for Transport – this includes the Statement of Reasons. The making of the Order is advertised and is available for general inspection.
- d) If no objections are received and the Minister is satisfied proper procedures have been followed; he can confirm the order without modification, subject to modification (e.g. certain properties are excluded from the Order) or reject it.
- e) If objections are received, it is usual for a public inquiry to be held usually within approximately 6 months from making the Order. The Council will have to provide a full statement of case for the inquiry.
- f) The Inspector heading the public inquiry provides a written report for the confirming Minister with his recommendations and the confirming Minister then either confirms, modifies or rejects the Order.
- g) Following confirmation of the CPO (providing proper procedure is followed and relevant notices served) a General Vesting Declaration can be executed which transfers all the land into the City Council's ownership, with the compensation payable to the owners and occupiers to be agreed later, if not already agreed at the time.
- h) In the event that compensation cannot be agreed between the Council and the claimant, then the compensation will be determined by the Upper Tribunal (Lands Chamber).

NOTE: This is a very simplified version of the CPO procedure which should not be used as a definitive guide.