

Great Britain's Compulsory Purchase Association



In Great Britain, compulsory purchase, known as eminent domain in the U.S. and expropriation in Canada, initially had no unifying legislation. The first comprehensive Act was passed in 1845 (at the height of the railway building boom) and subsequent changes were made during the middle part of the last century.

It wasn't until 2002 however, that the Compulsory Purchase Association (CPA) was born. The impetus for its creation was a combination of Government led reviews and studies with the intention of updating the system and increased Compulsory Purchase Order (CPO) activity on town centre regeneration and transport infrastructure.

In 1997 there was a report on blight, which led to the formation of the Compulsory Purchase Policy Review Advisory Group (CPPRAG). That was followed by two Law Commission reports.

Despite the many reports and recommendations and generally positive reaction to the idea of reforming the system, the Government decision was to prioritize its time in other areas. Practitioners of compulsory purchase had nevertheless come together and the CPA was formed to review, recommend, and lobby for reform, raise technical standards, promote best practice and improve education and the overall quality of practice.

The CPA now boasts over 450 members and is a multi-professional organization representing the interests of those who work in the specialized field of compulsory purchase and compensation. Membership includes valuers, barristers, solicitors, negotiators, estate agents, administrators, and forensic accountants. Whilst the

majority of the membership is located in and around London, the rest of England, Wales, Scotland and Ireland are also well represented.

Though the CPA's efforts on reform have so far have met with Parliamentary resistance, there have been recent overtures from members of the government which bode well for change.

Much of the compulsory purchase work in Great Britain is subcontracted to private consultants. The central government and regional councils typically only have enough permanent staff to oversee the process. A compulsory purchase practitioner can represent a property owner (a claimant) just as often as an authority invoking compulsory purchase (an acquiring authority).

In some circumstances a property owner can submit a claim for compensation relating to a project, since vicinity impact, not just direct acquisition, is compensatable.

Few entities in Great Britain have blanket legislative authority to use compulsory purchase at their discretion. Each scheme (or project) requires individual approval, hence the term, compulsory purchase order (CPO). The most recent large scale use of CPO has been for city regeneration, high speed and urban rail and the 2012 Olympic Park.

The 2012 Olympic site is located in East London, in an area of significant blight and brownfields. The site was chosen due to several factors. For many decades, East London, being downwind from Central London, became the area where all manner of undesirable, but necessary, city-supporting activities were concentrated. However, the new high speed rail line to the Channel Tunnel (the link to France and hence mainland Europe) passes through this location with a station and a new

mixed-use development already under construction adjacent to the site. The Olympics therefore afforded an enhanced opportunity to regenerate the area. The Olympic Village is being built to become a self-sustaining 'legacy' community after the Games.

The new 67 mile long 'Channel Tunnel Rail Link' (now known as High Speed 1) has been the largest CPO and included every type of property and property right imaginable. The central London Terminus is the now completely rehabilitated St. Pancras Railroad Station. The magnificent station had been neglected and was located in a rundown area of inner London. It is now part of a multi-billion Pound commitment to a larger regeneration effort in the St. Pancras/Kings Cross area.

Despite being only seven years old, the CPA has grown quickly. With 150 attendees at its most recent annual conference, the CPA holds regional symposiums throughout the year to provide additional educational and networking opportunities for members. At the committee level, the CPA's focus is on reforming the CPO system. And while no formal education process has yet been developed, the CPA is committed to raising professional standards and preparing members for the complexities of the present compulsory purchase system in Great Britain.

As part of this, the CPA welcomes the opportunity to be part of the worldwide network of professionals involved in land assembly for public and infrastructure and its particular association with the IRWA.

Colin Smith (CPA Past Chairman)