



Compulsory Purchase Act 1965

1965 CHAPTER 56

An Act to consolidate the Lands Clauses Acts as applied by Part I of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946, and by certain other enactments, and to repeal certain provisions in the Lands Clauses Acts and related enactments which have ceased to have any effect. [5th August 1965]

Modifications etc. (not altering text)

- C1** Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- C2** Act applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), and Courts Act 1971 (c. 23), s. 28(4), **Sch. 3 para. 3**
- C3** Act modified by Local Government Act 1972 (c. 70, SIF 81:1), s. 129
- C4** Act applied with modifications by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 37(4); S.I. 1978/268, **art. 4** and by Highways Act 1980 (c. 66, SIF 59), s. 250, **Sch. 19**
Act applied by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), ss. 11(4), 16(11)
- C5** Act modified by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 13(2); by Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66, SIF 28:1), s. 7(1)(b) and by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 30(1)
- C6** Act applied with modifications by Housing Act 1985 (c. 68, SIF 61), s. 578
- C7** Act applied with modifications by Housing Act 1988 (c. 50, SIF 61), ss. 77(7), 78(2), Sch. 10 Pt. III paras. 5(4), 20–23
- C8** Act applied with modifications by Electricity Act 1989 (c. 29, SIF 44:1), s. 10(1), **Sch. 3 paras. 6–13**
- C9** Act modified by Water Act 1989 (c. 15, SIF 130), ss. 151(5) (6), 155(3)–(7), Sch. 18 para. 2(1), Sch. 20 para. 6(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C10** Act extended and applied (with modifications) by Heathrow Express Railway Act 1991 (c. vii), ss. 4(1)(2), 21(3)(a), 24(1)(2)(a), **Sch. 3**; and applied (with modifications) by Heathrow Express Railway (No. 2) Act 1991 (c. ix), s. 3(1)(2)
- C11** Act modified by Town and Country Planning Act 1990 (c. 8, SIF 123:1), ss. 237(4)(a), 245(4)
- C12** Act amended and modified by Gas Act 1986 (c. 44, SIF 44:2), s. 9(3), **Sch. 3 Pt. II paras. 5–12**
- C13** Act applied in part with modifications by Killingholme Generating Stations (Ancillary Powers) Act 1991 (c. viii), ss. 2(2), 20(4), 24(2).
- C14** Act applied (26.7.1991) by S.I. 1991/1760, **art. 5(2)**.

Status: Point in time view as at 09/06/2009.

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- C15** Act applied with modifications (01.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 155(5)(6), 167, 223(2), **Sch. 9, Sch. 11 para. 6(1)(a)**
- C16** Act modified (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 154(5)(6), 168(3), 225(2), Sch.18, **Sch. 19 para. 6(1)(a)** (with ss. 16(6), 179(1), 222(2)(3), Sch. 22 paras. 1(1), 2, 4)
- C17** Power to modify conferred (1.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), **ss. 62(5)(b), 76(2)** (with ss. 67(3)(5)(8), 72(6)(8), 74(3)(4))
- C18** Act applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), ss. 3(1)(2), 13, **Sch. para. 1** (with s. 14(3)(e))
Act applied (16.3.1992) by Avon Weir Act 1992 (c. v), ss. 4(1)(a)(b), 26(2)(3), 31(2), **Sch. 3** (with s. 61)
Act applied (16.3.1992) by Aire and Calder Navigation Act 1992 (c. iv), ss. 4(1)(2), 21(3)(4), 28(2), **Sch. 3** (with s. 38)
Act applied (16.7.1992) by Cattewater Reclamation Act 1992 (c. xiv), ss. 3(2)(a)(b), 5(4), 9(2), **Sch.** (with ss. 23, 24, 27, 33)
Act applied (with modifications) (10.11.1993) by Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), s. 169, Sch. 20 paras.5, **20-23**; S.I. 1993/2762, **art. 3**
Act applied (with modifications) (31.3.1994) by British Railways Act 1994 (c. iv), ss. 4, 17, **Sch. 2**
Act applied (with modifications) (26.5.1994) by Greater Manchester (Light Rapid Transit System) Act 1994 (c. vi), s. 13, **Sch.**; and (26.9.1995) by S.I. 1995/2383, **art. 4**; and (11.11.1996) by S.I. 1996/2714, arts. 25, 26(3), **Sch. 6 paras. 3-9**; and (21.5.1997) by S.I. 1997/1266, arts. 25, 26(3), **Sch. 8 paras. 3-9**; and (27.8.1998) by S.I. 1998/1936, arts. 27, 29(2)(3), 35, **Sch. 7 paras. 3-9**; and (13.11.1998) by S.I. 1998/2919, **art. 4(1)(2)**; and (2.3.2001) by S.I. 2001/1367, art. 9, **Sch. 2 paras. 3-9**; and (2.3.2001) by S.I. 2001/1368, art. 9, **Sch. 3 paras. 3-9**; and (2.3.2001) by S.I. 2001/1369, art. 6, **Sch. 1 paras. 3-9**; and (31.5.2002) by S.I. 2002/1327, art. 21, **Sch. 4**
Act applied (21.7.1994) by Greater Nottingham Light Rapid Transit Act 1994 (c. xv), **s. 32(3)**
Act applied by Opencast Coal Act 1958 (c. 69), **s. 16(4A)** (as inserted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8** (with s. 40(3)); S.I. 1994/2553, **art. 2**)
Act applied (with modifications) (30.10.1994) by Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 98(3)**
Act applied (with modifications) (7.3.1995) by Barking Barrage Order 1995 (S.I. 1995/519), arts. 22, 23(3), **Sch. 4 paras. 3-5**
Act applied (with modifications) (18.12.1996) by Channel Tunnel Rail Link Act 1996 (c. 61), ss. 4, 5, 6, 43, 47, Sch. 4 Pt. III paras. 14, 15, **Sch. 5 para. 3(3)(a)**
Act applied (with modifications) (10.2.1997) by London Underground (East London Line Extension) Order 1997 (S.I. 1997/264), arts. 18, 19(3), **Sch. 7 paras. 3-9**
Act applied (with modifications) (3.6.1999) by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999 (S.I. 1999/1555), arts. 4(1)(2), 8, **Sch. 1 paras. 3-9**
Act applied (with modifications) (20.8.1999) by Railtrack (Leeds Bridges) Order 1999 (S.I. 1999/2336), arts. 13(1)(2), 14(3), 19, **Sch. 4 paras. 3-9**
Act modified (23.8.1999) by River Thames (Hungerford Footbridges) Order 1999 (S.I. 1999/2981), arts. 16, 17(3), 23, **Sch. 7 paras. 3-9**
Act applied (with modifications) (24.12.1999) by Knowsley Industrial Park (Rail Terminal) Order 1999 (S.I. 2000/428), arts. 11, 13, **Sch. 3 paras. 3-9**
Act applied (with modifications) (26.3.2001) by Postal Services Act 2000 (c. 26), s. 95, **Sch. 5, Pt. II**; S.I. 2000/2957, art. 2(3), **Sch. 3**
Act applied (with modifications) (29.3.2001) by Leeds Supertram (Extension) Order 2001 (S.I. 2001/1347), arts. 25, 26, 31, **Sch. 7 paras. 3-9** (with arts. 15, 37, 38(2)); and by Leeds Supertram (Land Acquisition and Road Works) Order 2001 (S.I. 2001/1348), arts. 4(1), 6(3), **Sch. 2 paras. 3-9**
Act applied (with modifications) (18.7.2001) by Railtrack (Shortlands Junction) Order 2001 (S.I. 2001/2870), arts. 14, 15, **Sch. 2 paras. 3-9**
Act applied (with modifications) (24.7.2001) by South Hampshire Rapid Transit Order 2001 (S.I. 2001/3627), arts. 36, 38, 44, **Sch. 8 paras. 3-9**

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- Act applied (with modifications) (9.11.2001) by London Underground (East London Line Extension) (No. 2) Order 2001 (S.I. 2001/3682), arts. 19, 21, 25, **Sch. 7 paras. 3-9**
- Act applied (with modifications) (14.3.2002) by Chester Guided Busway Order 2002 (S.I. 2002/412), arts. 17, 18, 21, 23, **Sch. 4 paras. 3-9** (with art. 38)
- Act applied (with modifications) (30.4.2002) by Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), arts. 10, 11, 18, **Sch. 2 paras. 3-9**
- Act applied (with modifications) (30.4.2002) by Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), arts. 10, 11, **Sch. 3 paras. 3-9**
- Act applied (with modifications) (30.4.2002) by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 19, 21, 23, 25, **Sch. 7 paras. 3-9**
- C19** Act applied (with modifications) (28.4.2003) by Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, 25, 32, Sch. 9 paras. 3-9, **Sch. 9 paras. 4-9** (with art. 40)
- C20** Act modified (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 1, 14, **Sch. 4 paras. 3-9**
- C21** Act applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), arts. 1, 23, 24, 32(1), Sch. 9 paras. 3-9, **Sch. 13 para. 42(3)** (with art. 38)
- C22** Act applied (with modifications) by Coal Industry Act 1994 (c. 21), **Sch. 1B para. 2** (as inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 6**; S.I. 2004/641, art. 3(w) (with **Sch. 3 para. 7**))
- C23** Act applied (with modifications) (2.4.2004) by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, 24, 34, 37, **Sch. 8 paras. 3-9**
- C24** Act applied (with modifications) (19.11.2004) by Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, 19, **Sch. 3 paras. 3-9** (with art. 38)
- C25** Act applied (with modifications) (28.1.2005) by East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), arts. 1, 4, 8, 10, **Sch. 1 paras. 3-9**
- C26** Act applied (with modifications) (11.2.2005) by Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, 30, 39, 41, **Sch. 7 paras. 3-9** (with arts. 65, 66)
- C27** Act modified (22.3.2005) by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), arts. 30, 38, 40, **Sch. 7 paras. 3-9** (with art. 51)
- C28** Act modified (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, 14, 17, 19, **Sch. 6 paras. 3-9**
- C29** Act applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, 21, **Sch. 7 paras. 3-9**
- C30** Act modified (26.8.2005) by River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, 22, 30, **Sch. 7 paras. 3-9** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C31** Act applied (with modifications) (8.10.2005) by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, 17, 18, **Sch. 7 paras. 3-5**
- C32** Act applied (with modifications) (25.11.2005) by Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, 25, 33, 36, **Sch. 7 paras. 3-9** (with arts. 3(5), 15(3))
- C33** Act applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, 23, 31, 33, **Sch. 7 paras. 3-9** (with art. 52)
- C34** Act applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, 19, 26, **Sch. 3 paras. 3-9** (with art. 40, Sch. 7 para. 12)
- C35** Act applied (with modifications) (22.11.2006) by Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, 21, 30, 33, **Sch. 8 paras. 3-9** (with art. 43)
- C36** Act modified (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, 25, 31, **Sch. 7 paras. 3-9** (with arts. 34, 35(2))
- C37** Act applied (with modifications) (13.12.2006) by Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, 20, 26, 28, **Sch. 7 paras. 3-9**
- C38** Act applied (with modifications) (19.3.2007) by Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, 24, 30, 32, **Sch. 4 paras. 3-9** (with arts. 46-48, Sch. 6 para. 23)
- C39** Act applied (with modifications) (23.8.2007) by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, 21, 29, 31, **Sch. 6 paras. 3-9** (with arts. 3(6), 12(3))

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- C40** Act applied (with modifications) (17.12.2007) by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007 (S.I. 2007/3345), arts. 1(1), 4, 8, **Sch. 1 paras. 4-9**
- C41** Act applied (with modifications) (21.5.2008) by Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), arts. 1(1), 4, 9, **Sch. 1 paras. 3-9**
- C42** Act applied (with modifications) (14.10.2008) by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, 23, 27(10), 28(10), 31, 33(1), **Sch. 6 paras. 3-9** (with art. 36(3))
- C43** Act applied (with modifications) (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 2 paras. 8-17**; S.I. 2008/3068, art. 2(1)(d) (with arts. 6-13)
- C44** Act applied (with modifications) (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, 30, 36(9), 37(11), 40, **Sch. 7 paras. 3-9**

PART I

COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

Modifications etc. (not altering text)

- C45** Pt. 1 applied (with modifications) by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, **Sch. 5 Pt. III para. 11(1)**; Agriculture Act 1967 (c. 22), s. 49(7)(i); Greater London Council (General Powers) Act 1967 (c. xx), s. 15; and Post Office Act 1969 (c. 48), s. 60(1)
- C46** Pt. 1 (ss. 1–32) extended by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 2 para. 16(1)**
- C47** Pt. 1 (ss. 1–32) applied (with modifications): by Local Government Act 1972 (c. 70, SIF 81:1), ss. 120(3), 124(2), 273(1); by S.I. 1978/829, art. 4; by S.I. 1978/1125, art. 3; and by New Towns Act 1981 (c. 64, SIF 123:3), **Sch. 6 Pt. 1**
- C48** Pt. 1 (ss. 1–32) (except ss. 4–8, 10, 27) applied by Welsh Development Agency Act 1975 (c. 70, SIF 64), s. 22(6) and (except ss. 4–8, 10, 31) by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), ss. 11(4), 16(11)
- C49** Pt. 1 (ss. 1–32) applied (except ss. 4–8, 27, 31) by Airports Act 1986 (c. 31, SIF 9), s. 59(2)(a)
- C50** Pt. 1 (ss. 1–32) applied (with modifications) by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8
- C51** Pt. 1 (ss. 1–32) applied (with modifications) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), s. 2(2), Sch. 2 Pt. II para. 1, **Sch. 3 para. 1(8)**
- C52** Pt. 1 (ss. 1–32) applied (with modifications) by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), s. 52(2)
- C53** Pt. 1 (ss. 1–32) applied by Town and Country Planning Act 1990 (c. 8, SIF 123:1), s. 227(2)
- C54** Pt. I (ss. 1–32) applied (with modifications) by Heathrow Express Railway Act 1991 (c. vii), ss. 4(1)(2), 24(1)(2)(a), **Sch. 3**.
- C55** Pt. I (ss. 1–32) applied (with modifications) by Heathrow Express Railway (No. 2) Act 1991 (c. ix), s. 3(1)(2).
 Pt. I (ss. 1–32) applied (with modifications) by Killingholme Generating Stations (Ancillary Powers) Act 1991 (c. viii), ss. 2(2)(a)(b), 20(4), 24(2)
- C56** Pt. 1 (ss. 1–32) applied (with modifications) (26.7.1991) by S.I. 1991/1760, art. 3(1)(2)
- C57** Pt. I (ss. 1–32) applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 155(6), 167, 223(2), **Sch. 11 para. 6(1)(a)**
 Pt. I (ss. 1–32) applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 154(6), 168(3), 225(2), **Sch. 19 para. 6(1)(a)** (with ss. 16(6), 179(1), 222(2)(3), Sch. 22 paras. 1(1), 2, 4)
- C58** Pt. 1 (ss. 1–32) applied in part (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), ss. 3(1)(2), 13, **Sch.** (with s. 14(3)(e))

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- C59** Pt. 1 (ss. 1-32) applied in part (with modifications) (13.2.1992) by British Railways Act 1992 (c. i), ss.14(1)(2), 17(6), 20(3)(4), **Sch. 2** (with ss. 27, 34)
- C60** Pt. 1 (ss. 1-32) applied in part (with modifications) (13.2.1992) by Severn Bridges Act 1992 (c. 3), ss.2(2)(3)(4)(6), **Sch. 2 para. 7(7)**
- C61** Pt. I (ss. 1-32) applied in part (with modifications) (16.3.1992) by Aire and Calder Navigation Act 1992 (c. iv), ss. 4(1)(2), 21(3)(4), **Sch. 3** (with s. 38)
- C62** Pt. 1 (ss. 1-32) applied in part (with modifications) (16.7.1992) by River Humber (Upper Pyewipe Outfall) Act 1992 (c. xv), ss.3(1)(2), 17(3)(4), **Sch.** (with ss. 21, 24, 25).
- C63** Pt. 1 (ss. 1-32) applied in part (with modifications) (12.11.1992) by Greater Manchester (Light Rapid Transit System) Act 1992 (c. xviii), **s. 3(1)(2)**.
- C64** Pt. I (ss. 1-32) applied in part (with modifications) (16.3.1992) by Avon Weir Act 1992 (c. v), ss. 4(1)(a)(b), 26(2)(3), **Sch. 3** (with s. 61).
- C65** Pt. 1 (ss. 1-32) incorporated in part (with modifications) (18.6.1992) by British Railways (No. 2) Act 1992 (c. xi), ss. 4(1)(2), 27(3)(4), **Sch. 3** (with ss. 34, 45)
- C66** Pt. I (ss. 1-32) applied in part (with modifications) (16.7.1992) by Cattewater Reclamation Act 1992 (c. xiv), ss. 3(2)(a)(b), 5(4), **Sch.** (with ss. 23, 24, 27, 33)
Pt. I (ss. 1-32) applied in part (29.3.1993) by 1993 c. iv, ss. 4(1)(2), 29(2)(3), **Sch. 4** (with ss. 36, 41(5), 44(1))
Pt. I (ss. 1-32) applied in part (1.5.1994) by 1894 c. 60, **s. 639(1A)(a)** (as substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 38**); S.I. 1993/3137, art. 3(2), **Sch. 2**
Pt. I (ss. 1-32) applied in part (10.11.1993) by 1993 c. 28, **s. 162(6)**; S.I. 1993/2762, **art. 3**
Pt. I (ss. 1-32) applied in part (with modifications) (27.7.1993) by 1993 c. xv, ss. 5(1)(2), 27(4), **Sch. 4** (with s. 44)
Pt. I (ss. 1-32) applied in part (with modifications) (5.11.1993) by 1993 c. 42, ss. 4(2)-(4), 6, **Sch. 5 para. 6(2)** (with ss. 2, 30(1), Sch. 2 para. 9)
Pt. I (ss. 1-32) applied in part (with modifications) (26.5.1994) by 1994 c. vi, **s. 3(1)(2)**
Pt. I (ss. 1-32) applied in part (with modifications) (21.7.1994) by 1994 c. xi, ss. 5(1)(2), 30(3)(4)(a), 31(1), 56(2)(3), **Sch. 4**
Pt. I (ss. 1-32) applied in part (with modifications) (21.7.1994) by 1994 c. xv, ss. 5(1)(2), 22(f), 28(3)(4), 44(8), **Sch. 5**
Pt. I (ss. 1-32) applied (1.1.1996) by Merchant Shipping Act 1995 (c. 21), **ss. 197(6)(a)**, 316(2) (with s. 312(1))
Pt. I (ss. 1-32) applied (with modifications) (18.12.1996) by Channel Tunnel Rail Link Act 1996 (c. 61), ss. 4, 5(5), 43(3)(4), 47, **Sch. 4 Pt. II paras. 2, 3**, Pt. III paras. 8(2), 9-11
Pt. I (ss. 1-32) applied in part (with modifications) (28.7.1998) by Tamar Bridge Act 1998 (c. iv), ss. 4(2)-(4), 5(2)-(4), 6(1), 13, **Sch.**
Pt. I (ss. 1-32) applied (with modifications) by Welsh Development Agency Act 1975 (c. 70), **Sch. 4 Pt. II para. 4** (as inserted (1.10.1998) by 1998 c. 38, s. 127, **Sch. 13 para. 3** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**)
Pt. I (ss. 1-32) applied in part (with modifications) (25.11.1998 for specified purposes and otherwise 3.7.2000) by 1998 c. 45, **s. 20(7)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(c)**
Pt. I (ss. 1-32) applied (with modifications) (13.1.1999) by Tyne and Wear Passenger Transport (Sunderland) Order 1998 (S.I. 1998/3269), arts. 23(1)(2), 24, **Sch. 7**
- C67** Pt. I (ss. 1-32) restricted (18.12.1996) by 1996 c. 61, s. 6, **Sch. 5 para. 3(3)(a)**
- C68** Pt. 1 (ss. 1-32) applied (with modifications) (19.2.1999) by S.I. 1999/537, arts. 6(1)(2), 7(2), 11, **Sch. 2 paras. 1-8**
- C69** Pt. 1 (ss. 1-32) applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 15(3), Sch. 5 paras. 3(2), 4-9
- C70** Pt. I (ss. 1-32) applied (with modifications) (20.8.1999) by S.I. 1999/2336, **arts. 13(1)(2)**, 19
- C71** Pt. 1 (ss. 1-32) applied (with modifications) (22.3.2001) by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001 (S.I. 2001/1451), arts. 9(1)(2), 10(2), 13(a), **Sch. 2**
Pt. 1 (ss. 1-32) applied (with modifications) (12.8.2002) by Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002 (S.I. 2002/1943), **art. 4(1)(2)**

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- C72** Pt. 1 applied in part (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 4 para. 9(1)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Schs. 1** (with art. 3) (as amended by S.I. 2003/3142, **art. 1(3)**); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- C73** Pt. 1 applied (with modifications) (22.7.2005) by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **26, 34** (with art. 47)
- C74** Pt. 1 applied (with modifications) (12.1.2007) by Network Rail (West Coast Main Line) (Stowe Hill) Order 2006 (S.I. 2006/3471), arts. 1, **4**
- C75** Pt. 1 applied (with modifications) (16.5.2008) by London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **29, 33** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C76** Pt. 1 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), ss. 6, 7(5)(7), Sch. 6 paras. 2, 3, 6, 7, **14**
- C77** Pt. 1 applied in part (with modifications) (29.12.2008) by Network Rail (Thameslink) (Land Acquisition) Order 2008 (S.I. 2008/3163), arts. 1, **4, 11** (with art. 13)

Preliminary

1 Application of Part I and interpretation

[^{F1}(1) This Part of this Act shall apply in relation to any compulsory purchase to which Part II of the Acquisition of Land Act 1981, or Schedule 1 to that Act, applies, and in this Part of this Act—

- (a) “the Acquisition of Land Act” means that Act,
- (b) “compulsory purchase order” has the same meaning as in that Act.]

(2) In construing this Part of this Act the enactment under which the purchase is authorised and the compulsory purchase order ^{F2}... shall be deemed to be the special Act.

(3) In this Part of this Act, unless the context otherwise requires.—

“acquiring authority” means the person authorised by the compulsory purchase order ^{F2}... to purchase the land;

“land” includes anything falling within any definition of that expression in the enactment under which the purchase is authorised;

“lease” includes an agreement for a lease;

“notice to treat” has the meaning given by section 5 of this Act;

“subject to compulsory purchase”, in relation to land, means land the compulsory purchase of which is authorised by the compulsory purchase order.

(4) In this Part of this Act “the works” or “the undertaking” means the works or undertaking, of whatever nature, authorised to be executed by the special Act.

Provided that where this Part of this Act applies by virtue of [^{F3}Part IX of the Town and Country Planning Act 1990 or section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990] references in this Part of this Act to the execution of the works shall be construed in accordance with [^{F4}section 245(4) of the Town and Country Planning Act 1990 or, as the case may be, section 52(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990].

^{F5}(5)

(6) Where under this Act any notice is to be given to the owner of any land or where any act is authorised or required to be done with the consent of any such owner, the word

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“owner” shall, unless the context otherwise requires, mean any person having power to sell and convey the land to the acquiring authority.

Textual Amendments

- F1** S. 1(1) substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para. 14(2)**
- F2** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 6 Pt. 1**
- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 13(1)(a)**
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 13(1)(b)**
- F5** S. 1(5) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), Sch. 8 para. 124, **Sch. 10**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

- C78** S. 1(3) amended by [Places of Worship \(Enfranchisement\) Act 1920 \(c. 56\)](#), s. 2 as now amended by [Leasehold Reform Act 1967 \(c. 88\)](#), s. 40(4), **Sch. 6**

2 Persons without power to sell their interests.

Schedule 1 to this Act (which gives owners power to sell to the acquiring authority) shall have effect for the purposes of this Act.

3 Acquisition by agreement in pursuance of compulsory purchase order.

It shall be lawful for the acquiring authority to agree with the owners of any of the land subject to compulsory purchase, and with all parties having an estate or interest in any of the land, or who are by Schedule 1 to this Act or any other enactment enabled to sell and convey or release any of that land, for the absolute purchase, for a consideration in money [^{F6}or money’s worth], of any of that land, and of all estates and interests in the land.

Textual Amendments

- F6** Words in s. 3 inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 70, **Sch. 15, Pt. 1, para.3**; S.I. 1991/2067, **art. 3**.

Compulsory Purchase

4 Time limit.

The powers of the acquiring authority for the compulsory purchase of the land shall not be exercised after the expiration of three years from the date on which the compulsory purchase order becomes operative.

Modifications etc. (not altering text)

- C79** S. 4: by [Housing Act 1974 \(c. 44, SIF 61\)](#), s. 116, words were added at the end of s. 4 and those words are repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1**
- C80** S. 4 modified by [Housing Act 1985 \(c. 68, SIF 61\)](#), s. 305(7), 307

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- C81** S. 4 amended by [Housing Act 1985 \(c. 68, SIF 61\)](#), s. 299, **Sch. 11 Pt. I para. 3(2)**
- C82** S. 4 excluded by [Places of Worship \(Enfranchisement\) Act 1920 \(c. 56\)](#), s. 2 as now amended by [Leasehold Reform Act 1967 \(c. 88\)](#), s. 40(4), **Sch. 6**

5 Notice to treat, and untraced owners.

- (1) When the acquiring authority require to purchase any of the land subject to compulsory purchase, they shall give notice (hereafter in this Act referred to as a “notice to treat”) to all the persons interested in, or having power to sell and convey or release, the land, so far as known to the acquiring authority after making diligent inquiry.
 - (2) Every notice to treat—
 - (a) shall give particulars of the land to which the notice relates,
 - (b) shall demand particulars of the recipient’s estate and interest in the land, and of the claim made by him in respect of the land, and
 - (c) shall state that the acquiring authority are willing to treat for the purchase of the land, and as to the compensation to be made for the damage which may be sustained by reason of the execution of the works.
- [^{F7}(2A) A notice to treat shall cease to have effect at the end of the period of three years beginning with the date on which it is served unless—
- (a) the compensation has been agreed or awarded or has been paid or paid into court,
 - (b) a general vesting declaration has been executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981,
 - (c) the acquiring authority have entered on and taken possession of the land specified in the notice, or
 - (d) the question of compensation has been referred to the [^{F8}Upper Tribunal].
- (2B) If the person interested in the land, or having power to sell and convey or release it, and the acquiring authority agree to extend the period referred to in subsection (2A) of this section, the notice to treat shall cease to have effect at the end of the period as extended unless—
- (a) any of the events referred to in that subsection have then taken place, or
 - (b) the parties have agreed to a further extension of the period (in which case this subsection shall apply again at the end of the period as further extended, and so on).
- (2C) Where a notice to treat ceases to have effect by virtue of subsection (2A) or (2B) of this section, the acquiring authority—
- (a) shall immediately give notice of that fact to the person on whom the notice was served and any other person who, since it was served, could have made an agreement under subsection (2B) of this section, and
 - (b) shall be liable to pay compensation to any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect.
- (2D) The amount of any compensation payable under subsection (2C) shall, in default of agreement, be determined by the [^{F9}Upper Tribunal].

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- (2E) Compensation payable to any person under subsection (2C) shall carry interest at the rate prescribed under section 32 of the Land Compensation Act 1961 from the date on which he was entitled to to be given notice under that subsection until payment.]
- (3) Schedule 2 to this Act (which relates to absent or untraced owners) shall have effect for the purposes of this Act.

Textual Amendments

- F7** S. 5(2A)-(2E) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), **s. 67**; [S.I. 1991/2067](#), **art. 3**.
- F8** Words in s. 5(2A)(d) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 60** (with Sch. 5)
- F9** Words in s. 5(2D) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 60** (with Sch. 5)

Modifications etc. (not altering text)

- C83** S. 5: restricted by [Housing Act 1985 \(c. 68, SIF 61\)](#), **ss. 305(2)**, 307

6 Reference to [^{F10}Upper Tribunal].

If a person served with a notice to treat does not within twenty-one days from the service of the notice state the particulars of his claim or treat with the acquiring authority in respect of his claim, or if he and the acquiring authority do not agree as to the amount of compensation to be paid by the acquiring authority for the interest belonging to him, or which he has power to sell, or for any damage which may be sustained by him by reason of the execution of the works, the question of disputed compensation shall be referred to the [^{F10}Upper Tribunal].

Textual Amendments

- F10** Words in s. 6 substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 61** (with Sch. 5)

Modifications etc. (not altering text)

- C84** S. 6 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), **Sch. 3 paras. 4, 5**

7 Measure of compensation in case of severance.

In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the value of the land to be purchased by the acquiring authority, but also to the damage, if any, to be sustained by the owner of the land by reason of the severing of the land purchased from the other land of the owner, or otherwise injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.

Modifications etc. (not altering text)

- C85** S. 7: applied by [Development of Rural Wales Act 1976 \(c. 75, SIF 64\)](#), s. 5(1), **Sch. 3 para. 35(3)**
- C86** S. 7 extended by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 78(2)(a), **Sch. 10 Pt. II para. 5(4)**

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- C87** S. 7 extended by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), [s. 237\(4\)\(a\)](#)
S. 7 applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\)](#), [ss.3\(1\)\(2\), 13](#), [Sch. para.1](#) (with [s. 14\(3\)\(e\)](#))
S. 7 applied (10.11.1993) by [1993 c. 28, s. 169](#), [Sch. 20 para. 5\(4\)\(7\)\(8\)](#); [S.I. 1993/2762, art.3](#)
- C88** S. 7 applied by [Post Office \(Subway\) Act 1966 \(c. 25\)](#), [s. 2\(2\)](#)
- C89** S. 7 extended (25.11.1998 for specified purposes and otherwise 3.7.2000) by [1998 c. 45, s. 23](#), [Sch. 6 para. 2\(4\)-\(8\)](#); [S.I. 1998/2952, art. 2\(2\)](#); [S.I. 2000/1173, art. 2\(c\)](#)
- C90** S. 7 applied (with modifications) (31.3.1994) by [1994 c. iv, s. 17](#), [Sch. 2 para. 1](#)
S. 7 applied (18.12.1996) by [1996 c. 61, s. 51\(6\)](#)
S. 7 applied (with modifications) (1.10.1998) by [1975 c. 70, Sch. 4 Pt. III para. 6\(4\)\(a\)](#) (as inserted (1.10.1998) by [1998 c. 38, s. 127](#), [Sch. 13 para. 3](#) (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244, art. 4](#))
- C91** S. 7 applied (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [s. 325\(1\)](#), [Sch. 3 para. 2\(1\)](#); [S.I. 2008/3068, art. 2\(1\)\(f\)](#) (with [arts. 6arts. 6-13](#))

8 Other provisions as to divided land.

- (1) No person shall be required to sell a part only—
- (a) of any house, building or manufactory, or
 - (b) of a park or garden belonging to a house,
- if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the [^{F11}Upper Tribunal] determines that—
- (i) in the case of a house, building or manufactory the part proposed to be acquired can be taken without material detriment to the house, building or manufactory, or
 - (ii) in the case of a park or garden, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house,
- and, if the [^{F11}Upper Tribunal][^{F12}so determines], the [^{F11}Upper Tribunal] shall award compensation in respect of any loss due to the severance of the part proposed to be acquired, in addition to its value; and thereupon the party interested shall be required to sell to the acquiring authority that part of the house, building, manufactory, park or garden.
- (2) If any land which is not situated in a town or built upon is cut through and divided by the works so as to leave, either on both sides of the works, or on one side, a quantity of land which is less than half an acre, the owner of the land may require the acquiring authority to purchase the land along with the land subject to compulsory purchase: Provided that this subsection shall not apply if the owner has other land adjoining the land so left into which it can be thrown so as to be conveniently occupied with it, and in that case the acquiring authority shall, if so required by the owner, at their own expense throw the piece of land so left into the adjoining land by removing the fences and levelling the sites thereof, and by soiling it in a satisfactory and workmanlike manner.
- (3) If the owner of any land cut through and divided by the works requires the acquiring authority under the provisions of the special Act to make any bridge, culvert or other communication between the land so divided, and—
- (a) the land is so cut through and divided as to leave, either on both sides or on one side, a quantity of land which is less than half an acre, or which is of less value than the expense of making the communication between the divided land, and
 - (b) the owner has not other land adjoining that piece of land,
- the acquiring authority may require the owner to sell them the piece of land.

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Any dispute as to the value of the piece of land, or as to the expense of making a communication between the divided land shall be determined by the [^{F13}Upper Tribunal], and either party to proceedings for determining the compensation to be paid for the land acquired may require the [^{F13}Upper Tribunal] to make [^{F14}its determination] under this subsection in those proceedings.

Textual Amendments

- F11** Words in s. 8(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 62(b)** (with Sch. 5)
- F12** Words in s. 8(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 62(a)** (with Sch. 5)
- F13** Words in s. 8(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 62(b)** (with Sch. 5)
- F14** Words in s. 8(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 62(c)** (with Sch. 5)

Modifications etc. (not altering text)

- C92** S. 8 modified (31.3.1994) by [British Railways Act 1994 \(c. iv\)](#), s. 17, **Sch. 2 para. 2**
S. 8 modified (1.3.1995) by [Barking Barrage Order 1995 \(S.I. 1995/519\)](#), art. 23(2), **Sch. 4 para. 5**
- C93** S. 8(1) amended by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), s. **58(1)**
- C94** S. 8(1) excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. 8(1), **Sch. 1 para. 2(3)**
S. 8 applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\)](#), ss.3(1)(2), 13, **Sch. para. 2** (with s. 14(3)(e))
S. 8(1) restricted (18.6.1992) by [British Railways \(No. 2\) Act 1992 \(c. xi\)](#), s. **30(1)** (with ss. 34, 45).
S. 8(1) excluded (13.2.1992) by [British Railways Act 1992 \(c. i\)](#), s. **23(1)** (with ss. 27, 34).
S. 8(1) excluded (16.3.1992) by [Aire and Calder Navigation Act 1992 \(c. iv\)](#), s. **25(1)** (with s. 38)
S. 8(1) excluded (27.7.1993) by [1993 Leeds Supertram Act 1993 \(c. xv\)](#), s. **28(1)** (with s. 44)
S. 8(1) excluded (21.7.1994) by [Greater Nottingham Light Rapid Transit Act 1994 \(c. xv\)](#), s. **29(1)**
S. 8(1) excluded (18.12.1996) by [Channel Tunnel Rail Link Act 1996 \(c. 61\)](#), s. 4, **Sch. 4 Pt. III para. 6(4)**
S. 8(1) excluded (10.2.1997) by [London Underground \(East London Line Extension\) Order 1997 \(S.I. 1997/264\)](#), art. **23(1)**
S. 8(1) excluded (21.5.1997) by [Greater Manchester \(Light Rapid Transit System\) \(Airport Extension\) Order 1997 \(S.I. 1997/1266\)](#), arts. **25**, 32(1)
S. 8(1) excluded (24.12.1999) by [Knowsley Industrial Park \(Rail Terminal\) Order 1999 \(S.I. 2000/428\)](#), art. **16**
S. 8(1) excluded (2.3.2001) by [Greater Manchester \(Light Rapid Transit System\) \(Trafford Park\) Order 2001 \(S.I. 2001/1367\)](#), art. **12(1)**
S. 8(1) excluded (22.3.2001) by [Channel Tunnel Rail Link \(Stratford Station and Subsidiary Works\) Order 2001 \(S.I. 2001/1451\)](#), art. **12(2)**
S. 8(1) excluded (18.7.2001) by [Railtrack \(Shortlands Junction\) Order 2001 \(S.I. 2001/2870\)](#), art. **18(1)**
S. 8(1) excluded (29.3.2001) by [Leeds Supertram \(Land Acquisition and Road Works\) Order 2001 \(S.I. 2001/1348\)](#), art. **8(1)**
- C95** S. 8(1) excluded (8.10.2005) by [Leicestershire County Council \(Ashby de la Zouch Canal Extension\) Order 2005 \(S.I. 2005/2786\)](#), arts. 1, **21**
- C96** S. 8(1) modified (12.1.2007) by [Network Rail \(West Coast Main Line\) \(Stowe Hill\) Order 2006 \(S.I. 2006/3471\)](#), arts. 1, **7**
- C97** S. 8(1) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 6 para. 11(3)(a)**

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Deposit of compensation and execution of deed poll

9 Refusal to convey, failure to make title, etc.

- (1) If the owner of any of the land purchased by the acquiring authority, or of any interest in the land so purchased, on tender of the compensation agreed or awarded to be paid in respect of the land or interest refuses to accept it, or neglects or fails to make out a title to the land or interest to the satisfaction of the acquiring authority, or refuses to convey or release the land as directed by the acquiring authority, it shall be lawful for the acquiring authority to pay into court the compensation payable in respect of the land or interest.
- (2) The compensation so paid into court shall, subject to the provisions of this Act, be placed to the credit of the parties interested in the land and the acquiring authority shall, so far as they can, give their descriptions.
- (3) When the acquiring authority have paid into court the compensation, it shall be lawful for them to execute a deed poll containing a description of the land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.
- (4) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the acquiring authority and as against those persons the acquiring authority shall be entitled to immediate possession of the land.
- (5) On the application of any person claiming all or any part of the money paid into court, or claiming all or any part of the land in respect of which it was paid into court, or any interest in it, the High Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is distributed, it is dealt with under section 6 of the ^{M1}Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the Court thinks fit.
- (6) F15

Textual Amendments

F15 S. 9 (6) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. 1X**

Modifications etc. (not altering text)

- C98 S. 9 modified by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), s. 52(10)(a)
- C99 S. 9 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), Sch. 3 paras. 4, 5
- C100 S. 9(2)(5) applied with modifications by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), s. 54(7)
- C101 S. 9(2)(5) applied with modifications by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), s. 146(10)
- C102 S. 9(4) modified (31.3.1994) by 1994 c. iv, s. 17, **Sch. 2 para. 3**
- C103 S. 9(4) applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\)](#), s. 13(4), **Sch. para.3**.
- S. 9(4) applied (with modification) (7.3.1995) by S.I. 1995/519, art. 23(3), **Sch. 4 para. 6(a)**

Marginal Citations

M1 1965 c. 2.

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Further provision as to compensation for injurious affection

10 Further provision as to compensation for injurious affection.

- (1) If any person claims compensation in respect of any land, or any interest in land, which has been taken for or injuriously affected by the execution of the works, and for which the acquiring authority have not made satisfaction under the provisions of this Act, or of the special Act, any dispute arising in relation to the compensation shall be referred to and determined by the [^{F16}Upper Tribunal].
- (2) This section shall be construed as affording in all cases a right to compensation for injurious affection to land which is the same as the right which section 68 of the ^{M2}Lands Clauses Consolidation Act 1845 has been construed as affording in cases where the amount claimed exceeds fifty pounds.
- (3) Where this Part of this Act applies by virtue of [^{F17}Part IX of the Town and Country Planning Act 1990] references in this section to the acquiring authority shall be construed in accordance with [^{F18}section 245(4)(b) of that Act].

Textual Amendments

- F16** Words in s. 10(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 63** (with Sch. 5)
- F17** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 13(2)(a)**
- F18** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 13(2)(b)**

Modifications etc. (not altering text)

- C104** S. 10 applied by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **ss. 122(4)**, 126(6), 273(1)
- C105** S. 10 amended by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), **s. 63(1)**
- C106** S. 10 applied by [Development of Rural Wales Act 1976 \(c. 75, SIF 64\)](#), s. 5(1), **Sch. 3 para. 35(3)**
S. 10 applied (10.11.1993) by [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\)](#), s. 169, **Sch. 20 para. 5(4)(7)(8)**; S.I. 1993/2762, **art. 3**.
- C107** S. 10 extended by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 78(2)(a), **Sch. 10 Pt. 11 para. 5(4)**
- C108** S. 10 extended by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), **s. 237(4)(a)**
- C109** S. 10 modified by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), **s. 229(4)**
- C110** S. 10 applied by [Post Office \(Subway\) Act 1966 \(c. 25\)](#), **s. 2(2)**
- C111** S. 10 extended (25.11.1998 for specified purposes and otherwise 3.7.2000) by [Regional Development Agencies Act 1998 \(c. 45\)](#), s. 23, **Sch. 6 para. 2(4)-(8)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(e)**
- C112** S. 10 applied (with modifications) (18.12.1996) by [Channel Tunnel Rail Link Act 1996 \(c. 61\)](#), **ss. 36, 51(6)(a)**
- C113** S. 10 applied (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 3 para. 2(1)**; S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6arts. 6-13)
- C114** S. 10(1) modified (18.12.1996) by [Channel Tunnel Rail Link Act 1996 \(c. 61\)](#), **s. 36**
- C115** S. 10(1) modified (19.2.1999) by S.I. 1999/537, **art. 8**
S. 10(1) modified (22.3.2001) by S.I. 2001/1451, **art. 11**
S. 10(1) modified (12.8.2002) by S.I. 2002/1943, **art. 5**
- C116** S. 10(1) modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 45**
- C117** S. 10(2) saved (9.5.1991) by [Heathrow Express Railway Act 1991 \(c. vii\)](#), **s. 17(1)(f)**; and saved (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\)](#), **s. 14(3)(e)**; and saved (26.7.1991) by S.I. 1991/1760, **art. 6(3)(e)**.

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C118 S. 10(2) excluded (23.8.1999) by S.I. 1999/2981, arts. 20(7), 21(8)

C119 S. 10(2) applied (30.3.2006) by London Olympic Games and Paralympic Games Act 2006 (c. 12), ss. 4(5)(b), 40(1)(b) (with s. 4(6)(b))

Marginal Citations

M2 1845 c. 18.

Entry on the land

11 Powers of entry.

- (1) If the acquiring authority have served notice to treat in respect of any of the land and have served on the owner, lessee and occupier of that land not less than fourteen days notice, the acquiring authority may enter on and take possession of that land, or of such part of that land as is specified in the notice; and then any compensation agreed or awarded for the land of which possession is taken shall carry interest at the rate prescribed under section 32 of the ^{M3}Land Compensation Act 1961 from the time of entry until the compensation is paid or is paid into court in accordance with this Act.

Where under this subsection a notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in [^{F19}section 12(3) of the Acquisition of Land Act], a like notice shall be served on the [^{F20}Diocesan Board of Finance for the diocese in which the land is situated].

In this subsection “owner” has the meaning given by [^{F21}section 7(1) of the Acquisition of Land Act].

- (2) The acquiring authority may also enter on and take possession of any of the land by following the procedure in Schedule 3 to this Act.

^{F22}

- (3) For the purpose of surveying and taking levels of any of the land subject to compulsory purchase, of probing or boring to ascertain the nature of the soil and of setting out the line of the works, the acquiring authority, after giving not less than three nor more than fourteen days’ notice to the owners or occupiers of that land, may enter on that land, but the acquiring authority shall make compensation for any damage thereby occasioned to the owners or occupiers of the land, and any question of disputed compensation under this subsection shall be referred to the [^{F23}Upper Tribunal].

- (4) Except as provided by the foregoing provisions of this section, the acquiring authority shall not, except with the consent of the owners and occupiers, enter on any of the land subject to compulsory purchase until the compensation payable for the respective interests in that land has been agreed or awarded, and has been paid to the persons having those interests or has been paid into court in accordance with this Act.

Textual Amendments

F19 Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 4 para. 14(3)(a)

F20 Words in s. 11 substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), Sch. 5 para. 12(1); S.I. 2006/2, Instrument made by Archbishops

F21 Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), Sch. 4 para. 14(3)(b)

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F22 S. 11(2) second paragraph repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. 1**

F23 Words in s. 11(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 64** (with Sch. 5)

Modifications etc. (not altering text)

C120 S. 11: excluded by Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66, SIF 28:1), s. 8(3), **Sch. 1 para. 3**

S. 11 applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), ss.3(1)(2), 13, **Sch. para.4** (with s. 14(3)(e))

C121 S. 11 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

C122 S. 11 modified (31.3.1994) by British Railways Act 1994 (c. iv), s. 17, **Sch. 2 para. 4**

C123 S. 11(1) excluded by Land Compensation Act 1973 (c. 26, SIF 28:1), s. 52(10)(b); modified by Land Compensation Act 1973 (c. 26, SIF 28:1), s. 55(1); and modified by Rural Wales Act 1976 (c. 75, SIF 64), s. 5(1), **Sch. 3 para. 31(1)**

C124 S. 11(1) modified by Development of Rural Wales Act 1976 (c. 75, SIF 64), s. 5(1), **Sch. 3 para. 31(1)**

C125 S. 11(1) modified by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), s. 2, **Sch. 2 Pt. 11 para. 1**
S. 11(1) modified (26.5.1994) by Greater Manchester (Light Rapid Transit System) Act 1994 (c. vi), s. 3(2)

C126 S. 11(1) excluded by Agriculture Act 1967 (c. 22), s. 49(7) (ii)

C127 S. 11(1) applied (with modifications) by Heathrow Express Railway Act 1991 (c. vii), s. 4(2)

C128 S. 11(1) applied (with modifications) by Heathrow Express Railway (No. 2) Act 1991 (c. ix), s. 3(1)(2)
S. 11(1) applied (with modifications) by Killingholme Generating Stations (Ancillary Powers) Act 1991 (c. viii), s. 2(2)(b)

C129 S. 11(1) excluded (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 63(2); S.I. 1991/2067, art.3

C130 S. 11(1) modified by 1961 c. 33, s. 5A(5)(6) (as inserted (31.10.2004) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 103(2); S.I. 2004/2593, art. 2(a))

C131 S. 11(3) modified (11.11.1996) by S.I. 1996/2714, art. 50(3)

C132 S. 11(3) restricted (23.8.1999) by S.I. 1999/2981, art. 28(2), **Sch. 10 Pt. 1 para. 2(7)**

S. 11(3) restricted (24.12.1999) by S.I. 2000/428, art. 27, **Sch. 5 para. 2(3)**

S. 11(3) restricted (24.7.2001) by S.I. 2001/3627, art. 64, **Sch. 12 para. 5(1)** (with Sch. 12 para. 12)

S. 11(3) restricted (14.3.2002) by S.I. 2002/412, art. 36, **Sch.6, Pt. 11 para. 2(2)**

Marginal Citations

M3 1961 c. 33.

12 Unauthorised entry.

- (1) If the acquiring authority, or any of their contractors, wilfully enter on and take possession of any of the land subject to compulsory purchase in contravention of subsection (4) of the last foregoing section, the acquiring authority shall forfeit to the person in possession of that land the sum of ten pounds in addition to the amount of any damage done to the land by entering and taking possession.
- (2) The said sum of ten pounds, and the amount of any such damage, shall be recoverable summarily as a civil debt.
- (3) An appeal shall lie to a court of quarter sessions against an order of a magistrates' court adjudging a sum to be forfeited under the foregoing provisions of this section.
- (4) If, after a sum has been adjudged to be forfeited under this section, the acquiring authority, or their contractors, remain in unlawful possession of any of the land the

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acquiring authority shall be liable to forfeit the sum of twenty-five pounds for every day on which they so remain in possession.

- (5) A sum forfeited under the last foregoing subsection shall be recoverable by the person in possession of that land in the High Court, and in any such proceedings the decision of the magistrates' court shall not be conclusive as to the acquiring authority's right of entry.
- (6) This section shall not subject the acquiring authority to the payment of a penalty if they have in good faith and without collusion paid the compensation agreed or awarded in respect of the land to a person whom they reasonably believed to be entitled to the compensation, or have paid it into court for the benefit of the person entitled to the land, or have paid it into court under Schedule 3 to this Act by way of security, although such person may not have been legally entitled thereto.

Modifications etc. (not altering text)

- C133** S. 12 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 13\(3\), Sch. 3 paras. 4, 5](#)
 S. 12 applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\), ss.3\(1\)\(2\), 13, Sch. \(with s. 14\(3\)\(e\)\)](#)
 S. 12 modified (24.12.1999) by [S.I. 2000/428, art. 13, Sch. 3 para. 7](#)
- C134** S. 12(3) amended with the substitution of a reference to the Crown Court for the reference to a Court of quarter sessions by [Courts Act 1971 \(c. 23\), s. 56\(2\), Sch. 9 Pt. 1](#)

13 Refusal to give possession to acquiring authority.

- (1) If the acquiring authority are under this Act authorised to enter on and take possession of any land, and the owner or occupier of any of that land, or any other person, refuses to give up possession of it, or hinders the acquiring authority from entering on or taking possession of it, the acquiring authority may issue their warrant to [^{F24}—
 - (a) the sheriff, or
 - (b) the enforcement officer,
 to deliver possession of it to the person appointed in the warrant to receive it.]
 - (2) On receipt of the warrant [^{F25}the person to whom it is issued] shall deliver possession of any such land accordingly.
- [^{F26}(2A) If, by virtue of paragraph 3A of Schedule 7 to the Courts Act 2003, the warrant is issued to two or more persons collectively, the duty in subsection (2) of this section shall apply to the person to whom the warrant is allocated in accordance with the approved arrangements mentioned in that Schedule.]
- (3) The costs accruing by reason of the issue and execution of the warrant, to be settled by [^{F27}the person executing the warrant], shall be paid by the person refusing to give possession, and the amount of those costs shall be deducted and retained by the acquiring authority from the compensation, if any, payable by them to that person.
 - (4) If no compensation is payable to the person refusing to give possession, or if it is less than the amount of the costs, that amount or the amount by which the costs exceed the compensation, if not paid on demand, shall be levied by distress, and on application to any justice of the peace for that purpose he shall issue his warrant accordingly.

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(5) The said amount shall be levied by distress and sale of the goods and chattels of the person liable to pay that amount, and any surplus arising from the sale, after satisfying the amount due, and the expenses of the distress and sale, shall be returned, on demand, to the person whose goods or chattels have been distrained.

(6) In this section^{F28}—

"the enforcement officer", in relation to a warrant to deliver possession of land under this section, means the officer or officers identified for that purpose in paragraph 3A of Schedule 7 to the Courts Act 2003, and]

"sheriff" includes an under sheriff or other legally competent deputy, and means the sheriff for the area where the land is situated, or if land in one ownership is not situated wholly in one such area the sheriff for the area where any part of the land is situated.

Textual Amendments

- F24** Words in s. 13(1) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. **139(5)**, 148; S.I. 2007/2709, art. 5(a)
- F25** Words in s. 13(2) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. **139(6)**, 148; S.I. 2007/2709, art. 5(a)
- F26** S. 13(2A) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. **139(7)**, 148; S.I. 2007/2709, art. 5(a)
- F27** Words in s. 13(3) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. **139(8)**, 148; S.I. 2007/2709, art. 5(a)
- F28** Words in s. 13(6) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. **139(9)**, 148; S.I. 2007/2709, art. 5(a)

Modifications etc. (not altering text)

- C135** S. 13 saved by Rent Act 1965 (c. 75), s. **35(4)** and Caravan Sites Act 1968 (c. 52), s. **5(3)**
S. 13 applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), ss. 3(1)(2), 13, Sch. (with s. 14(3)(e))
S. 13 modified (24.12.1999) by S.I. 2000/428, art. 13, Sch. 3 para. 7
- C136** S. 13 applied (2.4.2004) by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **30(14)** (with art. 30(9))
- C137** S. 13 applied (with modifications) (11.2.2005) by Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **37(11)** (with arts. 65, 66)
- C138** S. 13 applied (11.2.2005) by Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **36(11)** (with arts. 65, 66)
- C139** S. 13 applied (25.11.2005) by Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **30(10)** (with arts. 3(5), 15(3))
- C140** S. 13 applied (22.11.2006) by Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, 27(10), 28(10) (with arts. 27(7), 43)
- C141** S. 13 applied (13.12.2006) by Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **24(11)**
- C142** S. 13 applied (19.3.2007) by Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **28(10)** (with arts. 46-48, Sch. 6 para. 23)
- C143** S. 13 applied (23.8.2007) by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, 26(10), 27(10), (with arts. 3(6), 12(3))
- C144** S. 13 applied (21.5.2008) by Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), arts. 1(1), **6(10)**
- C145** S. 13 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), Sch. 5 para. 6

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Acquisition of special interests

14 Mortgages.

- (1) The acquiring authority may purchase or redeem the interest of the mortgagee of any of the land subject to compulsory purchase in accordance with either of the two following subsections.
- (2) The acquiring authority may pay or tender to the mortgagee the principal and interest due on the mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon the mortgagee shall immediately convey or release his interest in the land comprised in the mortgage to the acquiring authority or as they may direct.
- (3) Alternatively, the acquiring authority may give notice in writing to the mortgagee that they will pay all the principal and interest due on the mortgage at the end of six months, computed from the day of giving the notice; and if they have given any such notice, or if the person entitled to the equity of redemption has given six months notice of his intention to redeem, then at the expiration of either of the notices, or at any intermediate period, on payment or tender by the acquiring authority to the mortgagee of the principal money due on the mortgage, and the interest which would become due at the end of six months from the time of giving either of the notices, together with his costs and expenses, if any, the mortgagee shall convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.
- (4) If, in a case under subsection (2) or subsection (3) of this section, on such payment or tender the mortgagee fails to convey or release his interest in the mortgage as directed by the acquiring authority, or fails to make out a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the sums payable under subsection (2) or subsection (3) of this section, as the case may be.
- (5) When the acquiring authority have paid those sums into court, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act.
- (6) On execution of the deed poll, as well as in the case of a conveyance by the mortgagee, all the estate and interest of the mortgagee (and of all persons in trust for him, or for whom he may be a trustee) in the land shall vest in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.
- (7) This section shall apply—
 - (a) whether or not the acquiring authority have previously purchased the equity of redemption.
 - (b) whether or not the mortgagee is a trustee,
 - (c) whether or not the mortgagee is in possession of the land, and
 - (d) whether or not the mortgage includes other land in addition to the land subject to compulsory purchase.

15 Mortgage debt exceeding value of mortgaged land.

- (1) If the value of any such mortgaged land is less than the principal, interest and costs secured on the land, the value of the land, or the compensation to be paid by the acquiring authority in respect of the land, shall be settled by agreement between the

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mortgagee and the person entitled to the equity of redemption on the one part, and the acquiring authority on the other part, or, if they fail to agree, shall be determined by the [^{F29}Upper Tribunal].

- (2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.
- (3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the mortgaged land to the acquiring authority or as they direct, and if he fails to do so, or fails to adduce a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount agreed or awarded.
- (4) When the acquiring authority have so paid into court the amount agreed or awarded, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act.
- (5) On execution of the deed poll the land, as to the estate and interest which were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.
- (6) The making of payment to the mortgagee or into court of the amount agreed or awarded shall be accepted by the mortgagee in satisfaction, or part satisfaction, of his mortgage debt, and shall be a full discharge of the mortgaged land from all money due thereon.
- (7) All rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation, other than the right to the land, shall remain in force in respect of so much of the mortgage debt as has not been satisfied by payment to the mortgagee or into court.

Textual Amendments

F29 Words in s. 15(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 65** (with Sch. 5)

16 Acquisition of part of land subject to mortgage.

- (1) If a part only of any mortgaged land is required by the acquiring authority, and—
 - (a) the part so required is of less value than the principal, interest and costs secured on such land, and
 - (b) the mortgagee does not consider the remaining part of the land a sufficient security for the money charged thereon, or is not willing to release the part so required.

then the value of that part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of that land on the one part and the acquiring authority on the other and, if the parties fail to agree, shall be determined by the [^{F30}Upper Tribunal].

- (2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

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- (3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the land to be taken to the acquiring authority or as they direct.
- (4) A memorandum of what has been so paid shall be endorsed on the deed creating the mortgage and shall be signed by the mortgagee; and a copy of the memorandum shall at the same time (if required) be furnished by the acquiring authority at their expense to the person entitled to the equity of redemption of the land comprised in the mortgage.
- (5) If, on payment or tender to any such mortgagee of the amount of compensation agreed or awarded, the mortgagee fails to convey or release to the acquiring authority, or as they direct, his interest in the land in respect of which the compensation has been so paid or tendered, or if he fails to adduce a good title thereto to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount of the compensation; and subsections (4) to (6) of the last foregoing section shall apply as if references in those subsections to the land were references to the part of the land comprised in the mortgage which is required by the acquiring authority.
- (6) Notwithstanding the foregoing provisions of this section the mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue of it (as the case may be), and the interest thereon, as against the remaining land comprised in the mortgage, as he would have had for recovering or compelling payment thereof as against the whole of the land originally comprised in the mortgage.

Textual Amendments

F30 Words in s. 16(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 66** (with Sch. 5)

17 Compensation where mortgage paid off before stipulated time.

- (1) If in the mortgage deed a time was limited for the payment of the principal secured and under the three last foregoing sections the mortgagee has been required to accept payment of the principal at a time earlier than the time so limited, the amounts payable under those sections shall include—
 - (a) all such costs and expenses as may be incurred by the mortgagee in respect of, or as incidental to, the re-investment of the sum paid off, and
 - (b) if the rate of interest secured by the mortgage is higher than can reasonably be expected to be obtained on re-investment at the time the mortgage is paid off, regard being had to the current rate of interest, compensation in respect of the loss thereby sustained.
- (2) The costs under paragraph (a) of the foregoing subsection shall, in case of difference, be taxed and their payment enforced in the manner provided in section 23 of this Act for costs of conveyances, and the amount of compensation under paragraph (b) of the foregoing subsection shall, in case of difference, be referred to and determined by the [^{F31}Upper Tribunal].

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Textual Amendments

F31 Words in s. 17(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 67](#) (with Sch. 5)

18 Rentcharges.

- (1) If any difference arises between the acquiring authority and a person entitled to a rentcharge on any of the land subject to compulsory purchase as to the compensation to be paid for the release of the land from the rentcharge, or from the part of the rentcharge affecting the land, it shall be referred to and determined by the [^{F32}Upper Tribunal].
- (2) If part only of the land charged with a rentcharge is comprised in the land required by the acquiring authority the apportionment of the rentcharge—
 - (a) may be settled by agreement between the person entitled to the rentcharge and the owner of the land on the one part and the acquiring authority on the other part, and
 - (b) if not so settled, shall be referred to and determined by the [^{F33}Upper Tribunal], but if the remaining part of the land so charged is a sufficient security for the rentcharge the person entitled to the rentcharge may, with the consent of the owner of that part of the land, release from the rentcharge the land required by the acquiring authority on condition or in consideration of that part of the land remaining exclusively subject to the whole of the rentcharge.
- (3) If the person entitled to a rentcharge on any of the land subject to compulsory purchase, on payment or tender to him of the compensation agreed or awarded, fails to execute in favour of the acquiring authority a release of the rentcharge, or if he fails to make out a good title to the rentcharge to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount of the compensation.

When the acquiring authority have paid the compensation into court, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act, and on execution of the deed poll the rentcharge, or the part of the rentcharge in respect of which the compensation was paid, shall be extinguished.

- (4) If any of the land subject to compulsory purchase is so released from a rentcharge, or part of a rentcharge, to which it was subject jointly with other land, the last-mentioned land shall alone be charged with the whole of the rentcharge, or, as the case may be, with the remainder of the rentcharge, and the person entitled to the rentcharge shall have all the same rights and remedies over the last-mentioned land, for the whole, or as the case may be for the remainder, of the rentcharge as he had previously over the whole of the land subject to the rentcharge.
- (5) If upon any rentcharge or part of a rentcharge being so released the deed or instrument creating or transferring the charge is tendered to the acquiring authority for the purpose, the acquiring authority shall affix their common or official seal to a memorandum of the release endorsed on the deed or instrument declaring—
 - (a) what part of the land originally subject to the rentcharge has been purchased by virtue of this Act, and
 - (b) if the land is released from part of the rentcharge, what part of the rentcharge has been released and how much of it continues payable, and

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- (c) if the land has been released from the whole of the rent charge, then that the remaining land is thenceforward to remain exclusively charged with the rent charge,
- and the memorandum shall be made and executed at the expense of the acquiring authority and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.
- (6) In this section “rentcharge”, in relation to any land, includes any other payment or incumbrance charged on the land not provided for in the foregoing provisions of this Act.

Textual Amendments

- F32** Words in s. 18(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 68** (with Sch. 5)
- F33** Words in s. 18(2)(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 68** (with Sch. 5)

19 Apportionment of rent under leases.

- (1) If part only of the land comprised in a lease for a term of years unexpired is required by the acquiring authority, the rent payable in respect of the land comprised in the lease shall be apportioned between the land so required and the residue of the land.
- (2) The apportionment may be settled by agreement between the lessor and lessee of the land on the one part, and the acquiring authority on the other part, and if the apportionment is not so settled by agreement between the parties, it shall be settled by the [^{F34}Upper Tribunal].
- (3) After the apportionment the lessee shall, as to all future accruing rent, be liable only for so much of the rent as is apportioned in respect of the land not required by the acquiring authority.
- (4) As respects the land not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of the apportioned rent as, before the apportionment, he had for the recovery of the whole rent reserved by the lease: and all the covenants, conditions and terms of the lease, except as to the amount of rent to be paid, shall remain in force with regard to the part of the land not so required in the same manner as they would have done if that part only of the land had been included in the lease.
- (5) Every such lessee shall be entitled to receive from the acquiring authority compensation for the damage done to him in his tenancy by reason of the severance of the land required by the acquiring authority from that not required, or otherwise by reason of the execution of the works.

Textual Amendments

- F34** Words in s. 19(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 69** (with Sch. 5)

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20 Tenants at will, etc.

- (1) If any of the land subject to compulsory purchase is in the possession of a person having no greater interest in the land than as tenant for a year or from year to year, and if that person is required to give up possession of any land so occupied by him before the expiration of his term or interest in the land, he shall be entitled to compensation for the value of his unexpired term or interest in the land, and for any just allowance which ought to be made to him by an incoming tenant, and for any loss or injury he may sustain.
- (2) If a part only of such land is required, he shall also be entitled to compensation for the damage done to him [^{F35}by severing] land held by him or otherwise injuriously affecting it.
- (3) If the parties differ as to the amount of compensation payable under the foregoing provisions of this section the dispute shall be referred to and determined by the [^{F36}Upper Tribunal].
- (4) On payment or tender of the amount of such compensation all such persons shall respectively deliver up to the acquiring authority, or to the person appointed by them to take possession, any such land in their possession required by the acquiring authority.
- (5) If any person having a greater interest than as tenant at will claims compensation in respect of any unexpired term or interest under any lease or grant of the land subject to compulsory purchase, the acquiring authority may require that person to produce the lease or grant, or the best evidence thereof in his power; and if, after demand in writing by the acquiring authority, the lease or grant, or that best evidence, is not produced within twenty-one days, that person shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.
- (6) This section has effect subject to section 39 of the ^{M4}Landlord and Tenant Act 1954.

Textual Amendments

- F35** Words in s. 20(2) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15, Pt. 1, para. 4](#); S.I. 1991/2067, [art. 3](#).
- F36** Words in s. 20(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 70](#) (with Sch. 5)

Modifications etc. (not altering text)

- C146** S. 20 modified by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), [ss. 46\(1\), 59\(2\)\(a\)](#), 61(3)
- C147** S. 20 applied (with modifications) (31.3.1994) by [British Railways Act 1994 \(c. iv\)](#), s. 17, [Sch. 2 para. 5](#)
S. 20 applied (with modifications) (7.3.1995) by [Barking Barrage Order 1995 \(S.I. 1995/519\)](#), art. 23(3), [Sch. 4 para. 8](#)
- C148** S. 20(4)(5) modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), [Sch. 3 paras. 4, 5](#)

Marginal Citations

- M4** 1954 c. 56.

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21 Common land.

- (1) Schedule 4 to this Act (which relates to common land) shall apply for the purposes of this Act.
- (2) The said Schedule and the other provisions of this Act relating to common land have effect—
 - (a) subject to the provisions of the ^{M5}Inclosure Act 1852, the ^{M6}Inclosure Act 1854 and the ^{M7}Commonable Rights Compensation Act 1882 relating to the application of compensation money, and
 - (b) subject to section 22 of the ^{M8}Commons Act 1899 (which restricts grants or inclosures of commons).

Marginal Citations

- M5** 1852 c. 79.
M6 1854 c. 97.
M7 1882 c. 15.
M8 1899 c. 30.

Supplemental

22 Interests omitted from purchase.

- (1) If after the acquiring authority have entered on any of the land subject to compulsory purchase it appears that they have through mistake or inadvertence failed or omitted duly to purchase or to pay compensation for any estate, right or interest in or charge affecting that land the acquiring authority shall remain in undisturbed possession of the land provided that within the time limited by this section—
 - (a) they purchase or pay compensation for the estate, right or interest in or charge affecting the land, and
 - (b) they also pay to any person who may establish a right to it, full compensation for the mesne profits,
 and the compensation shall be agreed or awarded and paid (whether to claimants or into court) in the manner in which, under this Act, it would have been agreed or awarded and paid if the acquiring authority had purchased the estate, right, interest or charge before entering on the land, or as near to that manner as circumstances admit.
- (2) The foregoing subsection shall apply whether or not the period specified in section 4 of this Act has expired.
- (3) The time limited by this section shall be six months after the acquiring authority have notice of the estate, right, interest or charge or, if it is disputed by the acquiring authority, six months after the right to the estate, right, interest or charge is finally established by law in favour of the claimant.
- (4) In assessing compensation under this section the value of the land, and of any estate or interest in the land, or any mesne profits of the land, shall be taken to be the value at the time when the acquiring authority entered on the land, and without regard to any improvements or works made in or upon the land by the acquiring authority, and as though the works had not been constructed.

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- (5) In this section the “mesne profits” means the mesne profits or interest which would have accrued to the persons concerned during the interval between the entry of the acquiring authority and the time when the compensation is paid, so far as such mesne profits or interest may be recoverable in any proceedings.

Modifications etc. (not altering text)

C149 S. 22 excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. **10(3)**

C150 S. 22 applied (with modifications) (7.3.1995) by [S.I. 1995/519](#), art. 23(3), [Sch. 4 para. 9](#)

C151 S. 22 modified (31.3.1994) by [1994 c. iv](#), s. 17, [Sch. 2 para. 6](#)

C152 S. 22(1)—(3), (5) modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), [Sch. 3 paras. 4, 5](#)

23 Costs of conveyances etc.

- (1) The costs of all conveyances of the land subject to compulsory purchase shall be borne by the acquiring authority.
- (2) The costs shall include all charges and expenses, whether incurred on the part of the seller or on the part of the purchaser,—
- (a) of all conveyances and assurances of any of the land, and of any outstanding terms or interests in the land, and
 - (b) of deducing, evidencing and verifying the title to the land, terms or interests, and
 - (c) of making out and furnishing such abstracts and attested copies as the acquiring authority may require,
- and all other reasonable expenses incident to the investigation, deduction and verification of the title.
- (3) If the acquiring authority and the person entitled to any such costs do not agree as to the amount of the costs, the costs shall be taxed by a Master of the Supreme Court on an order of the court obtained by either of the parties.
- (4) The acquiring authority shall pay what the Master certifies to be due in respect of the costs to the person entitled and, in default, that amount may be recovered in the same way as any other costs payable under an order of the Supreme Court.
- (5) The expense of taxing the costs shall be borne by the acquiring authority unless on the taxation one-sixth of the amount of the costs is disallowed, and in that case the costs of the taxation shall be borne by the party whose costs have been taxed; and the amount thereof shall be ascertained by the Master and deducted by him accordingly in his certificate of taxation.
- (6) Conveyances of the land subject to compulsory purchase may be according to the forms in Schedule 5 to this Act, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the acquiring authority may think fit.

All conveyances made according to the forms in the said Schedule, or as near thereto as the circumstances of the case may admit, shall be effectual to vest the land thereby conveyed in the acquiring authority and shall operate to bar and to destroy all estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever of and

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in the land comprised in the conveyance which have been purchased or compensated for by the consideration mentioned in the conveyance.

24 Power to sell in consideration of a rentcharge.

F37

Textual Amendments

F37 S. 24 repealed by [Rentcharges Act 1977 \(c. 30, SIF 98:1\)](#), s. 17(2)(3), **Sch. 2** (subject to savings in s. 17(4) in relation to applications for apportionment or redemption made before 22.8.1977 and in relation to the creation of rentcharges by virtue of s. 17(2))

25 Payment into court.

- (1) References in this Act to payment of money into court are references to payment of the money into the Supreme Court and section 4 of the ^{M9}Administration of Justice Act 1965 (which prescribes the method of payment into court) shall apply accordingly.
- (2) Where any money paid into court under this Act was paid in respect of any lease, or any estate in land less than the whole fee simple, or of any reversion dependent on any such lease or estate, the High Court on the application of any person interested in the money may order that the money shall be laid out, invested, accumulated and paid in such manner as the court may consider will give to the persons interested in the money the same benefit as they might lawfully have had from the lease, estate or reversion or as near thereto as may be.
- (3) If any question arises respecting the title to land in respect of which money has been paid into court under this Act, the persons respectively in possession of the land, as being the owners, or in receipt of the rents of the land, as being entitled to the rents at the time when the land was purchased, shall be deemed to have been lawfully entitled to the land until the contrary is shown to the satisfaction of the court; and unless the contrary is shown to the satisfaction of the court the persons so in possession, and all persons claiming under them, or consistently with their possession, shall be deemed to be entitled to the money so paid into court, and to the interest and dividends of it or of the securities purchased therewith; and the money, dividends, interest and annual proceeds shall be paid and applied accordingly.

F38

Textual Amendments

F38 S. 25(4) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. 1X**

Marginal Citations

M9 1965 c. 2.

26 Costs in respect of money paid into court.

- (1) This section shall apply in relation to any compensation paid into court under this Act except where it was so paid in consequence—

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- (a) of the wilful refusal of the person entitled to accept it, or
 - (b) of the wilful refusal of that person to convey the land in respect of which the compensation was payable, or
 - (c) of the wilful neglect of any person to make out a good title to the land.
- (2) Where this section applies the High Court may order the acquiring authority to pay—
- (a) the costs of, or incurred in consequence of, the purchase of the land, and
 - (b) the cost of the investment of the compensation paid into court, or of its reinvestment in the purchase of other land.
- (3) References in this section to costs include references to all reasonable charges and expenses incidental to the matters mentioned in this section and to—
- (a) the cost of obtaining the proper orders for any of the purposes set out above,
 - (b) the cost of obtaining the orders for the payment of dividends out of the compensation.
 - (c) the cost of obtaining the orders for the payment out of court of the principal amount of the compensation, or of any securities in which it is invested, and
 - (d) the cost of all proceedings relating to such orders, except such as are occasioned by litigation between adverse claimants.
- (4) The costs of not more than one application for reinvestment in land shall be allowed unless it appears to the High Court that it is for the benefit of the parties interested in the compensation that it should be invested in the purchase of land in different sums and at different times.

Modifications etc. (not altering text)

C153 S. 26 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 13\(3\), Sch. 3 paras. 4, 5](#)

27	(1)	F39
	(5)	F40
	(6)	F39

Textual Amendments

F39 S. 27 repealed (with saving) by [S.I. 1990/776, art. 3, Sch. 1](#)

F40 S. 27(5) repealed by [General Rate Act 1967 \(c. 9\), Sch. 14 Pt. 1](#)

28 General provisions as to deeds poll.

- (1) Any deed poll executed by the acquiring authority in accordance with this Act shall be under their common seal or official seal.
- (2) Any such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the acquiring authority of the land described therein, or otherwise duly stamped.
- (3) The provisions of this Act as to the execution of deeds poll have effect subject to section 7(4) of the ^{M10}Law of Property Act 1925 (under which any such power of

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disposing of a legal estate exercisable by a person who is not the estate owner is, when practicable, to be exercised in the name and on behalf of the estate owner).

Marginal Citations

M10 1925 c. 20.

29 Irregularities in proceedings under the Act.

(1) No distress levied under this Act shall be deemed unlawful, nor shall the person making the distress be deemed a trespasser on account of any defect or want of form in the warrant of distress or other proceedings relating to the distress; and the person making the distress shall not be deemed a trespasser ab initio on account of any irregularity afterwards committed by him so, however, that any person aggrieved by any defect or irregularity may recover full satisfaction for the special damage in civil proceedings.

(2) ^{F41}

Textual Amendments

F41 S. 29(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, **Sch. Pt. III**

30 Service of notices.

[^{F42}Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act.]

Textual Amendments

F42 S. 30 substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), **Sch. 4 para. 14(4)**

31 Ecclesiastical property.

Any sums agreed or awarded for the purchase of land being ecclesiastical property as defined in [^{F43}section 12(3) of the Acquisition of Land Act], or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the other provisions of this Act, but [^{F44}shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and][^{F45} shall be applied] for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale. ^{F46} ...

Textual Amendments

F43 Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), **Sch. 4 para. 14(5)**

F44 Words in s. 31 substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 12(2)**; S.I. 2006/2, Instrument made by Archbishops

F45 Words in s. 31 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 70, **Sch. 15, Pt. 1, para. 19(b)**; S.I. 1991/2067, **art. 3**.

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F46 Words in s. 31 omitted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 12\(2\)](#); S.I. 2006/2, Instrument made by Archbishops

32 Commencement of Part I.

This Part of this Act shall not apply in relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the [^{F47}Acquisition of Land (Authorisation Procedure) Act 1946], or made under Part II of that Schedule, before the commencement of this Act.

Textual Amendments

F47 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), [Sch. 4 para. 14\(6\)](#)

PART II

APPLICATION OF PART I IN OTHER CASES AND SUPPLEMENTAL PROVISIONS

33 Compulsory purchase orders under Water Acts 1945 and 1948.

F48

Textual Amendments

F48 S. 33 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

34 Compulsory purchase orders under Part III of Housing Act 1957.

F49

Textual Amendments

F49 S. 34 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. 1](#)

35 F50

Textual Amendments

F50 S. 35 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. 1](#)

36 Orders relating to acquisition of land under s. 67 of Water Resources Act 1963.

F51

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Textual Amendments

F51 S. 36 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

37 Compulsory purchase orders under s. 11 of Pipe-lines Act 1962.

- (1) Subject to this section Part I of this Act shall apply in relation to a compulsory purchase order under section 11 of the ^{M11}Pipe-lines Act 1962 as it applies in relation to a compulsory purchase order under the [^{F52}Acquisition of Land Act 1981], and in the said Part I as so applied the “special Act” means the Pipe-lines Act 1962, together with the order.
- (2) Subsections (1) and (2) of section 11, section 30(3) and section 31 of this Act shall not apply, and section 27 shall apply as if subsection (1) of that section were omitted.
- (3) Sections 127 to 132 of the ^{M12}Lands Clauses Consolidation Act 1845 (sale of superfluous land) shall apply in relation to land acquired in pursuance of a compulsory purchase order under section 11 of the Pipe-lines Act 1962, and in construing those sections as so applied—
 - (a) the said Act of 1962 and the compulsory purchase order shall be deemed to be the special Act,
 - (b) references to the promoters of the undertaking shall be construed as references to the person authorised by the compulsory purchase order to purchase the land comprised therein.
- (4) Part I of this Act as applied by this section shall not apply in relation to an order made before the commencement of this Act.

Textual Amendments

F52 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), **Sch. 4 para. 14(7)**

Marginal Citations

M11 1962 c. 58.

M12 1845 c. 18.

38 Application to enactments authorising acquisition of land by agreement.

- (1) The enactments mentioned in Schedule 6 to this Act (which apply the Lands Clauses Acts to certain of the powers of acquiring land by agreement possessed by authorities having power to acquire land compulsorily under the [^{F53}Acquisition of Land Act 1981], or any of the enactments mentioned in the foregoing provisions of this Part of this Act) shall have effect subject to the amendments set out in that Schedule (which translate references to provisions of the Lands Clauses Acts relating to the acquisition of land by agreement into references to corresponding provisions of Part I of this Act).
- (2) Nothing in the provisions of Part I of this Act as applied by Schedule 6 to this Act, or in the enactments mentioned in that Schedule, shall enable a local authority to sell for the purposes of those enactments without the consent of the Minister of Housing and

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Local Government or of any other Minister any land which they could not have sold without that consent apart from the provisions of this section.

(3) In Part I of this Act as applied to the purchase of land by agreement under any of the enactments mentioned in Schedule 6 to this Act—

- (a) “the acquiring authority” means a person authorised to purchase land by that enactment,
- (b) “the special Act” means the enactment.
- (c) in section 27 subsection (1) shall be omitted.

and for references to land subject to compulsory purchase there shall be substituted references to land which may be purchased by agreement under the enactment.

(4) This section shall not have effect as respects any purchase of land completed before the commencement of this Act.

Textual Amendments

F53 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 14\(7\)](#)

39 Consequential amendments and repeals.

- (1) Any enactment or document referring to an enactment repealed and re-enacted by this Act shall be construed as referring to the corresponding enactment in this Act.
- (2) Without prejudice to the generality of subsection (1) of this section, any reference in any enactment or document to the Lands Clauses Acts, or to any provision of the Lands Clauses Acts, which is, or includes, a reference to the Lands Clauses Acts, or that provision of the Lands Clauses Acts, as incorporated by the [^{F54}Acquisition of Land Authorisation Procedure Act 1946], or by any of the Acts mentioned in sections 33 to 37 of this Act or Schedule 6 to this Act, shall, unless the contrary intention appears, be construed as references to the corresponding provisions in Part I of this Act.
- (3) Without prejudice to the last foregoing subsection, references to provisions of the Lands Clauses Acts in the enactments mentioned in Schedule 7 to this Act shall be amended in accordance with that Schedule.
- (4) The enactments mentioned in Schedule 8 to this Act, of which those in Part II and Part III of that Schedule are spent or are superseded by the provisions of the ^{M13}Lands Tribunal Act 1949 and the ^{M14}Land Compensation Act 1961, shall be repealed to the extent specified in the third column of that Schedule, but subject to the respective provisions at the end of each Part of that Schedule.
- (5) The mention of particular matters in this section shall not be taken to affect the general application to this Act of section 38 of the ^{M15}Interpretation Act 1889 (which relates to the effect of repeals).

Textual Amendments

F54 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 14\(9\)](#)

Marginal Citations

M13 1949 c. 42.

M14 1961 c. 33.

Status: Point in time view as at 09/06/2009.

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M15 [1889 c. 63.](#)

40 Short title, commencement and extent.

- (1) This Act may be cited as the Compulsory Purchase Act 1965.
- (2) Except as otherwise expressly provided, this Act shall come into force on 1st January 1966.
- (3) This Act shall not extend to Scotland or Northern Ireland.

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SCHEDULES

SCHEDULE 1

Sections 2 and 3.

PERSONS WITHOUT POWER TO SELL THEIR INTERESTS

Modifications etc. (not altering text)

C154 Sch. 1 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 5(4), Sch. 1 paras. 3-9

Preliminary

- 1 (1) The provisions of this Schedule have effect subject to section 42(7) of the ^{M16}Law of Property Act 1925 (which provides that if on a compulsory purchase title could have been made without payment into court, title shall be made in that way unless the purchaser otherwise elects).
- (2) The provisions of this Schedule—
- (a) have effect as if references to disabilities did not include references to disabilities of infants, married women or lunatics or defectives, and
 - [^{F55}(b) do not have effect in relation to a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) for the purposes of this Act if—
 - (i) there is a donee of an enduring power of attorney or lasting power of attorney (within the meaning of the 2005 Act), or a deputy appointed for the person by the Court of Protection, and
 - (ii) the donee or deputy has power in relation to the person for the purposes of this Act.]

Textual Amendments

F55 Sch. 1 para. 1(2)(b) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 12 (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

Marginal Citations

M16 1925 c. 20.

Power to sell and convey to the acquiring authority

- 2 (1) It shall be lawful for all persons who are seised or possessed of or entitled to any of the land subject to compulsory purchase, or any estate or interest in any of that land, to sell and convey or release it to the acquiring authority, and to enter into all necessary agreements for the purpose.
- (2) Subject to paragraph 1 of this Schedule, the foregoing subparagraph applies in particular—
- (a) to corporations,

Status: Point in time view as at 09/06/2009.

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- (b) to tenants in tail or for life,
 - (c) to trustees for charitable or other purposes, and
 - (d) to persons for the time being entitled to the receipt of the rents and profits of any of the land (whether in possession or subject to any lease for years or any less interest).
- (3) Subject to paragraph 1 of this Schedule, the powers conferred by this paragraph on any person, other than a lessee for a term of years, or for any less interest, may be exercised not only on behalf of himself and his successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after him, or in defeasance of his estate.
- (4) Trustees for a cestui que trust under any disability may exercise the powers conferred by this paragraph on behalf of that cestui que trust to the same extent that the cestui que trust could have exercised those powers if he had not been under any disability.

Additional powers of entering into transactions with acquiring authority

- 3 The following powers, that is—
- (a) any power conferred on a lord of the manor by Schedule 4 to this Act, and
 - (b) any power of releasing land from any rent, charge or incumbrance, or of agreeing to the apportionment of any rent, charge or incumbrance under sections 14 to 20 of this Act.
- may lawfully be exercised by any person enabled under the last foregoing paragraph to sell and convey or release land to the acquiring authority.

Valuation on purchase by agreement

- 4 (1) Subject to this paragraph, the compensation to be paid for any land to be purchased from a person under any disability or incapacity who has no power to sell or convey the land except under this Schedule, or for any permanent damage or injury to any such land, shall be determined by the valuation of two surveyors, one of whom shall be nominated by the acquiring authority, and the other by the other party.
- (2) If the two surveyors cannot agree on a valuation, two justices of the peace may, on the application of either party, and after notice to the other party, nominate a third surveyor to make the valuation instead of the two other surveyors.
- (3) Each of the two surveyors or, as the case may be, the third surveyor shall annex to any valuation made by him a declaration in writing signed by him of the correctness of the valuation.
- (4) No valuation need be made under this paragraph if the compensation has been determined [^{F56}by the Upper Tribunal] in pursuance of the provisions of this Act or under paragraph 1 of Schedule 2 to this Act.
- (5) In this paragraph “surveyor” means an able practical surveyor.

Textual Amendments

F56 Words in [Sch. 1 para. 4\(4\)](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 71](#) (with [Sch. 5](#))

Status: Point in time view as at 09/06/2009.

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Sale in consideration of rentcharge

- 5
- (1) On a sale under section 24(1)(b) of this Act the amount of the rentcharge shall be settled in accordance with the last foregoing paragraph, but subject to the following provisions of this paragraph.
 - (2) The amount of the rentcharge shall not be less than five-fourths of the average net annual rent received by the persons beneficially interested in the land in question in the last seven years.
 - (3) A charge of five per cent. on the gross amount of any compensation estimated or fixed under this Act by way of compensation for any damage that may be done to the land shall be added to and form part of the rentcharge.
 - (4) No fine or premium, or consideration in the nature of a fine or premium, shall be paid or taken in respect of the land sold or damaged, other than the rentcharge.
 - (5) The rentcharge shall remain on the same trusts and for the same purposes as those on and for which the rents and profits of the land stood settled or assured at or immediately before the conveyance of the land.

Application of compensation payable in respect of interest of person under disability

- 6
- (1) This paragraph applies to the compensation in respect of any land or interest in land purchased by the acquiring authority from a person who has no power to sell or convey it except under this Schedule, and compensation in respect of any permanent damage to any such land.
 - (2) Subject to this Schedule the compensation shall be paid into court and shall remain until applied to one or more of the following purposes on an order of the High Court, that is—
 - (a) in the discharge of any debt or incumbrance affecting the land, or affecting other land settled therewith on the same or the like trusts or purposes, or
 - (b) in the purchase of other land to be conveyed, limited and settled upon like trusts and purposes, and in the same manner, as the land stood settled in respect of which the compensation was paid, or
 - (c) if the compensation was paid in respect of any buildings taken or injured by the proximity of the works, in removing or replacing the buildings, or substituting other buildings, in such manner as the High Court may direct, or
 - (d) in payment to any party becoming absolutely entitled to the compensation.
 - (3) If, before compensation is applied under sub-paragraph (2) of this paragraph, it is dealt with under section 6 of the ^{M17}Administration of Justice Act 1965, the annual proceeds thereof shall be paid to the person who would for the time being have been entitled to the rents and profits of the land in respect of which the compensation was paid.
 - (4) An order of the High Court under this paragraph may be made on the application of the person who would have been entitled to the rents and profits of the land in respect of which the compensation is paid.
 - (5)

Status: Point in time view as at 09/06/2009.

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Textual Amendments

F57 Sch. 1 para. 6(5) repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, Sch. Pt. III

Modifications etc. (not altering text)

C155 Para. 6 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

Marginal Citations

M17 1965 c. 2.

Alternative method of disposing of compensation between £200 and £20

- 7 (1) If the amount of the compensation exceeds twenty pounds but does not exceed two hundred pounds, it may, with the approval of the acquiring authority, instead of being paid into court under the last foregoing paragraph, be paid to two trustees approved by the acquiring authority and nominated by the person entitled to the rents or profits of the land in respect of which the compensation is paid by a nomination in writing signed by him.
- (2) The compensation paid to the trustees, and the income arising from it, shall be applied by the trustees in accordance with the last foregoing paragraph, except that it shall not be necessary to obtain any order of the High Court for that purpose, and the compensation until so applied may be invested in government or real securities.

Modifications etc. (not altering text)

C156 Para. 7 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

Compensation not exceeding £20

- 8 If the compensation does not exceed twenty pounds, it shall be paid to the person entitled to the rents and profits of the land in respect of which it is payable, for his own use and benefit.

Modifications etc. (not altering text)

C157 Para. 8 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

Sums payable under contract with persons not absolutely entitled

- 9 (1) All sums of money exceeding twenty pounds payable by the acquiring authority in respect of the taking, using or interfering with any land under a contract or agreement with any person who is not entitled to dispose of the land absolutely for his own benefit shall be paid into court or to trustees in accordance with paragraphs 6 and 7 of this Schedule, and it shall not be lawful for any such person to retain to his own use—
- (a) any part of any sums agreed or contracted to be paid for or in respect to the taking, using or interfering with any of the land, or
 - (b) any part of the sums agreed or contracted to be paid in lieu of bridges, tunnels or other accommodation works.

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- (2) All such money shall be deemed to have been contracted to be paid for and on account of the several parties interested in the land, whether in possession or in remainder, reversion or expectancy.
- (3) Notwithstanding the last foregoing sub-paragraph, the High Court or, as the case may be, the trustees under paragraph 7 of this Schedule may if they think fit allot to any tenant for life, or to a tenant for any other partial or qualified estate, for his own use, a part of the sums of money paid into court or to trustees under this Schedule as compensation for any injury, inconvenience or annoyance which he may have sustained independently of the actual value of the land, and of the damage occasioned to the land held therewith, by reason of the taking of the land and the execution of the works.

Conveyance of the land or interest

- 10 (1) When the compensation agreed or awarded in respect of the land has been paid into court under the foregoing provisions of this Schedule, the owner of the land (including all parties who are by this Schedule enabled to sell or convey the land) shall, when required to do so by the acquiring authority, duly convey the land or interest to the acquiring authority, or as they direct.
- (2) If there is a failure to comply with the foregoing sub-paragraph, or a failure to adduce a good title to the land to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to execute a deed poll containing a description of the land, and reciting its acquisition by the acquiring authority, the names of the parties from whom it was purchased, the amount of compensation paid into court and the default.
- (3) On execution of the deed poll all the estate and interest in the land belonging to, or capable of being sold and conveyed by, any person as between whom and the acquiring authority the compensation was agreed or awarded and paid into court shall vest absolutely in the acquiring authority, and as against all such persons and all parties on behalf of whom they are enabled by this Schedule to sell and convey, the acquiring authority shall be entitled to immediate possession of the land.

Modifications etc. (not altering text)

C158 Para. 10 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 13\(3\), Sch. 3 paras. 4, 5](#)

C159 Sch. 1 para. 10(3) modified (31.3.1994) by [1994 c. iv, s. 17, Sch. 2 para. 3](#)

C160 Sch. 1 para. 10(3) applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\), s. 13, Sch. para.3.](#)

Sch. 1 para. 10(3) applied (with modifications) (7.3.1995) by [S.I. 1995/519, art. 23\(3\), Sch. 4 para. 6\(b\)](#)

SCHEDULE 2

Section 5.

ABSENT AND UNTRACED OWNERS

Modifications etc. (not altering text)

C161 Sch. 2 excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\), s. 10\(2\)](#)

Status: Point in time view as at 09/06/2009.

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C162 Sch. 2 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5; excluded by Town and Country Planning Act 1968 (c. 72), Sch. 3A para. 14 now inserted by Land Commission (Dissolution) Act 1971 (c. 18), Sch. 2 Appendix A

- 1 (1) The compensation to be paid for any land subject to compulsory purchase to be purchased by the acquiring authority—
- (a) from a person who is prevented from treating with them on account of absence from the United Kingdom, or
 - (b) from a person who cannot be found after diligent inquiry has been made,
- ^{M18}and the compensation to be paid for any permanent injury to any such land, shall be determined by the valuation of a surveyor selected from the members of the [^{F58}Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].
- ^{F59}(2)
- (3) ^{F60}... the acquiring authority shall preserve the valuation ^{F60}... and produce them, on demand, to the owner of the land to which the valuation relates, and to all other persons interested in the land.
- (4) All the expenses of and incident to the valuation shall be borne by the acquiring authority.

Textual Amendments

F58 Words in Sch. 2 para. 1(1)(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, Sch. 1 para. 72(a) (with Sch. 5)

F59 Sch. 2 para. 1(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, Sch. Pt. III

F60 Words repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, Sch. Pt. III

Marginal Citations

M18 1949 c. 42.

- 2 (1) The acquiring authority may pay into court the compensation determined under this Schedule to be placed to the credit of the parties interested in the land, giving their descriptions so far as the acquiring authority is in a position to do so.
- (2) When the acquiring authority have paid into court the compensation, it shall be lawful for them to execute a deed poll containing a description of the land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.
- (3) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the acquiring authority, and as against those persons the acquiring authority shall be entitled to immediate possession of the land.

Modifications etc. (not altering text)

C163 Sch. 2 para. 2(3) modified (31.3.1994) by 1994 c. iv, s. 17, Sch. 2 para. 3

Status: Point in time view as at 09/06/2009.

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C164 Sch. 2 para. 2(3) applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), s. 13, **Sch. para.3**.
Sch. 2 para. 2(3) applied (with modifications) (2.3.1995) by S.I. 1995/519, art. 23(3), **Sch. 4 para. 6(c)**

3 (1) On the application of any person claiming any part of the money paid into court, or of the land or any interest in the land in respect of which it was paid into court, the High Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is distributed, it is dealt with under section 6 of the ^{M19}Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the court thinks fit.

(2) **F61**

Textual Amendments

F61 Sch. 2 para. 3(2) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

Marginal Citations

M19 1965 c. 2.

4 (1) If the person mentioned in paragraph 1(1) of this Schedule is dissatisfied with the surveyor's valuation he may, before applying under paragraph 3 of this Schedule to the High Court for payment or investment of the compensation paid into court, by notice in writing to the acquiring authority require the submission to the [^{F62}Upper Tribunal] of the question whether the compensation paid into court was sufficient, or whether any and what further sum ought to be paid over or paid into court.

(2) If the [^{F62}Upper Tribunal][^{F63}awards a] further sum, the acquiring authority shall pay over or pay into court as the case may require that further sum within fourteen days of the making of the award, and if they make default, that further sum may be recovered in proceedings in the High Court.

(3) If the [^{F62}Upper Tribunal][^{F64}determines] that the compensation paid into court was sufficient, the costs of and incident to the proceedings before the [^{F62}Upper Tribunal] shall, in accordance with [^{F65}section 29 of the Tribunals, Courts and Enforcement Act 2007], be in the discretion of that Tribunal, but if the [^{F62}Upper Tribunal][^{F64}determines] that a further sum ought to be paid, all the costs of and incident to the proceedings shall be borne by the acquiring authority.

Textual Amendments

F62 Words in Sch. 2 para. 4 substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 72(b)(i)** (with Sch. 5)

F63 Words in Sch. 2 para. 4(2) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 72(b)(ii)** (with Sch. 5)

F64 Word in Sch. 2 para. 4(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 72(b)(iii)** (with Sch. 5)

F65 Words in Sch. 2 para. 4(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 72(b)(iv)** (with Sch. 5)

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SCHEDULE 3.

Section 11.

ALTERNATIVE PROCEDURE FOR OBTAINING RIGHT OF ENTRY

Modifications etc. (not altering text)

C165 Sch. 3 modified by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), s. **57(1)**

C166 Sch. 3 excluded by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), s. **52(10)(b)**

C167 Sch. 3 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), Sch. 3 paras. 4, 5

- 1 Before entering on any of the land the acquiring authority shall comply with the requirements of paragraphs 2 and 3 of this Schedule as respects each person interested in or entitled to sell and convey the land who has not given his consent to the entry (hereinafter referred to as “the owner”).
- 2 (1) The acquiring authority shall pay into court by way of security—
- (a) the amount of compensation claimed by the owner, or
 - (b) a sum equal to the value of his interest as determined by a surveyor appointed in accordance with the following sub-paragraph.
- (2) The surveyor shall be an able practical surveyor appointed by two justices of the peace acting together by an instrument in writing signed by them.
- 3 (1) The acquiring authority shall also give or tender to the owner a bond in a penal sum equal to the sum to be paid into court under paragraph 2 of this Schedule, conditioned for payment to the owner, or, as the case may be, for payment into court in accordance with this Act, of all the compensation which may be agreed or awarded, together with interest thereon at the rate prescribed under section 32 of the ^{M20}Land Compensation Act 1961 from the time of entry until the compensation is paid over, or paid into court, in accordance with this Act.
- (2) The bond shall, where the acquiring authority are a corporation, be under their common seal or official seal.
- (3) The bond shall be with two sufficient sureties, and, if the acquiring authority and the owner do not agree, the sureties shall be approved by two justices of the peace acting together.

Marginal Citations

M20 1961 c. 33.

- 4 (1) Money paid into court under paragraph 2 of this Schedule shall remain in court by way of security to him for the performance of the condition of the bond.
- (2) If the money has been dealt with under section 6 of the ^{M21}Administration of Justice Act 1965, it shall be accumulated.
- (3) When the condition of the bond is fully performed, the High Court may, on the application of the acquiring authority, order the money, or the proceeds of the securities in which it has been invested, together with the accumulation, to be paid to the acquiring authority.

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- (4) If the condition of the bond has not been fully performed, the High Court may order the money to be applied, in such manner as the court thinks fit, for the benefit of the person for whose security it was paid into court.
- (5) F66

Textual Amendments

F66 Sch. 3 para. 4(5) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), Sch. 1 Pt. IX

Marginal Citations

M21 1965 c. 2.

SCHEDULE 4

Section 21.

COMMON LAND

General

- 1 (1) The compensation in respect of the right in the soil of any of the land subject to compulsory purchase and subject to any rights of common shall be paid to the lord of the manor, in case he is entitled thereto, or to such party, other than the commoners, as is entitled to the right in the soil.
- (2) The compensation in respect of all other commonable and other rights in or over such land, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of the land, shall be determined and paid and applied in the manner provided in the following provisions of this Schedule with respect to common land the right in the soil of which belongs to the commoners: and upon payment of the compensation so determined either to the persons entitled thereto or into court all such commonable and other rights shall cease and be extinguished.

Duty of owner of right in the soil to convey on payment of compensation

- 2 (1) On payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation agreed or awarded in respect of the right in the soil of any such land, or, where provided for in this Act, on payment into court of that compensation, the lord of the manor or other party shall convey the land to the acquiring authority.
- (2) The conveyance shall have the effect of vesting the land in the acquiring authority as if the lord of the manor or other party had been seised in fee simple of the land at the time of executing the conveyance.
- (3) In default of such a conveyance it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act, and thereupon the land in respect of which the compensation was paid into court shall vest absolutely in the acquiring authority and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until those rights have been extinguished by

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payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into court.

Modifications etc. (not altering text)

C168 Sch. 4 para. 2(3) modified (31.3.1994) by 1994 c. iv, s. 17 Sch. 2 para. 3

C169 Sch. 4 para. 2(3) applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), s. 13, Sch. para.3.

Sch. 4 para. 2(3) applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 23(3), Sch. 4 para. 6(d)

Compensation for common land not held of a manor

- 3 The compensation in respect of any of the land subject to compulsory purchase, being common land, or in the nature thereof, the right to the soil of which belongs to the commoners, as well as the compensation in respect of the commonable and other rights in or over common land the right in the soil of which does not belong to the commoners (other than compensation to the lord of the manor or other party entitled to the soil of common lands in respect of his right in the soil) shall be determined by agreement between the acquiring authority and a committee of the persons entitled to commonable or other rights in the land to be appointed under the following provisions of this Schedule.

Appointment of committee of commoners

- 4 (1) The acquiring authority may convene a meeting of the persons entitled to commonable or other rights over or in the land subject to compulsory purchase to be held at some convenient place in the locality for the purpose of appointing a committee to treat with the acquiring authority for the compensation to be paid for the extinction of the commonable or other rights.
- (2) The meeting shall be called by publishing a notice in two consecutive weeks in a newspaper circulating in the county or counties and in the locality in which the land is situated.
- (3) The last of those notices shall be published not more than fourteen or less than seven days before the meeting.
- (4) Notice of the meeting shall also, not less than seven days before the meeting, be affixed on the door of the parish church in the locality where the meeting is to be held, or if there is no such church, at some other place in the locality where notices are usually affixed; and if the land is parcel of or held of a manor, the notice of the meeting shall also be given to the lord of the manor.
- (5) A meeting called under this paragraph may appoint a committee consisting of not more than five of the persons entitled to any such rights, and at such a meeting the decision of the majority of the persons so entitled who are present shall bind the minority and all absent parties.
- (6) In this paragraph “county” includes any riding or other like division of a county, and a county of a city or of a town.

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Negotiations with committee

- 5
- (1) The committee may agree on behalf of themselves and all other parties interested in the commonable and other rights, and all such parties shall be bound by the agreement.
 - (2) The committee may receive the compensation agreed to be paid, and the receipt of the committee, or of any three of them, shall be an effectual discharge for the compensation.
 - (3) The compensation when received shall be apportioned by the committee among the several persons interested, according to their respective interests, and the acquiring authority shall not be bound to see the apportionment or to the application of the compensation, nor shall they be liable for the misapplication or nonapplication of the compensation.
 - (4) If the committee fail to agree with the acquiring authority as to the amount of the compensation it shall be referred to and determined by the [^{F67}Upper Tribunal].

Textual Amendments

F67 Words in Sch. 4 para. 5(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 73(a)** (with Sch. 5)

Settlement of compensation where no committee is appointed

- 6
- If there is a failure to hold an effective meeting under paragraph 4 of this Schedule, or if the meeting fails to appoint a committee, the amount of the compensation shall be determined by a surveyor selected from the members of the [^{F68}Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].

Textual Amendments

F68 Words in Sch. 4 para. 6 substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 73(b)** (with Sch. 5)

Execution of deed poll

- 7
- (1) On payment or tender to the committee, or any three of them, or if there is no such committee then upon payment into court in the manner provided in the like case, of the compensation agreed or awarded in respect of the commonable or other rights, it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act.
 - (2) On execution of the deed poll the land in respect of which the compensation was paid over, or paid into court, shall vest in the acquiring authority freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof.
 - (3) The High Court may order payment of the compensation paid into court to a committee appointed under this Schedule, or make such other order with respect thereto for the benefit of the parties interested as the High Court thinks fit.

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Modifications etc. (not altering text)

C170 Sch. 4 para. 7(2) modified (31.3.1994) by 1994 c. iv, s. 17 Sch. 2 para. 3

C171 Sch. 4 para. 7(2) applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), s. 13, Sch. para.3.

Sch. 4 para. 7(2) applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 23(3), Sch. 4 para. 6(c)

SCHEDULE 5

Section 23(6).

FORMS OF CONVEYANCE

General

I, of, in consideration of the sum of paid to me [or, as the case may be], into court, in the name and with the privity of the Accountant General of the Supreme Court, ex parte “the acquiring authority” [naming them], or to A.B., of, and C.D., of, [two trustees appointed to receive the same], pursuant to the [here name the compulsory purchase order], by the [here name the acquiring authority], do hereby convey to the said authority [or other description], and their successors in title, all [describing the premises to be conveyed], and all such estate, right, title, and interest in and to the same as I am or shall become seised or possessed of, or am by the said order empowered to convey to hold the premises to the said authority [for other description], and their successors in title, for ever. In witness, etc.

Conveyance on rentcharge

I, of, in consideration of the rentcharge to be paid to me, and my successors in title as hereinafter mentioned by “the acquiring authority” [naming them], do hereby convey to the said authority [or other description], and their successors in title, all [describing the premises to be conveyed], and all my estate, right, title, and interest in and to the same and every part thereof to hold the said premises to the said authority [or other description], and their successors in title, for ever, they the said authority [or other description], and their successors in title yielding and paying unto me, and my successors in title, one clear yearly rent of, by equal quarterly [or half-yearly, as agreed upon], portions, henceforth, on the [stating the days], clear of all deductions. In witness etc.

SCHEDULE 6

Section 38.

POWERS OF PURCHASING LAND BY AGREEMENT

THE ^{M22}SMALL HOLDINGS AND ALLOTMENTS ACT 1908

Marginal Citations

M22 1908 c. 36.

In section 38 for the words from “the Land Clauses Acts” to “by agreement” there shall be substituted the words “the provisions of Part I of the Compulsory Purchase Act 1965 (so far

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as applicable) other than sections 4 to 8, section 10, subsections (1) to (5) of section 23, and section 31, shall apply”.

THE SALMON AND FRESHWATER FISHERIES ACT 1923

F69

Textual Amendments

F69 Entry relating to Salmon and Freshwater Fisheries Act 1923 repealed by [Salmon and Freshwater Fisheries Act 1975 \(c. 51, SIF 52:2\)](#), [Sch. 5](#)

THE LOCAL GOVERNMENT ACT 1933

F70

Textual Amendments

F70 Entry relating to [Local Government Act 1933 \(c. 51\)](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. XVII](#)

THE WATER ACT 1945

F71

Textual Amendments

F71 Entry relating to Water Act 1945 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

THE CIVIL AVIATION ACT 1949

F72

Textual Amendments

F72 Entry relating to Civil Aviation Act 1949 repealed by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), [Sch. 16](#)

THE MINERAL WORKINGS ACT 1951

F73

Textual Amendments

F73 Entry relating to Mineral Workings Act 1951 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), [Sch. 2](#)

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THE ^{M23}PRISON ACT 1952

Marginal Citations

M23 1952 c. 52.

In section 36(3) for the words from “the Lands Clauses Acts” to the end of the subsection there shall be substituted the words “the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, and section 31, shall apply”.

THE HIGHWAYS ACT 1959

F74

Textual Amendments

F74 Entry relating to Highways Act 1959 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

THE TOWN AND COUNTRY PLANNING ACT 1962

F75

Textual Amendments

F75 Sch. 6 (in part) repealed by [Town and Country Planning Act 1971 \(c. 78\)](#), **Sch. 25**

THE ^{M24}AIRPORTS AUTHORITY ACT 1965

Marginal Citations

M24 1965 c. 16.

In section 17(2) for the words from “the Lands Clauses Acts” to the end of the subsection there shall be substituted the words “the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27, and section 31, shall apply”.

SCHEDULE 7

Section 39(3).

CONSEQUENTIAL AMENDMENTS OF REFERENCES TO ENACTMENTS RE-ENACTED IN THIS ACT

^{M25}THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845

Marginal Citations

M25 1845 c. 20.

Status: Point in time view as at 09/06/2009.

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In section 6 as incorporated in any Act, or in any provision having effect under any Act, whether passed or made before or after the passing of this Act, for the words from “in the manner provided” to the end of the section there shall be substituted the words “by the [^{F76}Upper Tribunal] ” and in section 78 (as originally enacted, and so incorporated) for the words “the same shall be settled as in other cases of disputed compensation” there shall be substituted the words “ the question shall be referred to and determined by the [^{F76}Upper Tribunal]”.

Textual Amendments

F76 Words in [Sch. 7](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 74](#) (with [Sch. 5](#))

THE COMMONS ACT 1899

F77

Textual Amendments

F77 Sch. 7 entry relating to Commons Act 1899 repealed (1.10.2006 for E., 6.9.2007 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 2](#) (with s. 60); [S.I. 2006/2504](#), art. 2(i)

THE AGRICULTURE ACT 1947

F78

Textual Amendments

F78 Sch. 7 entry relating to Agriculture Act 1947 repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(3), [Sch. 6 Pt. I](#)

THE LANDLORD AND TENANT ACT 1954

F79

Textual Amendments

F79 Sch. 7 entry relating to [Landlord and Tenant Act 1954 \(c. 56\)](#) repealed by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), [Sch. 3](#)

THE HOUSING ACT 1957

F80

Textual Amendments

F80 Sch. 7 entry relating to Housing Act 1957 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

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M26 THE LAND COMPENSATION ACT 1961

Marginal Citations

M26 1961 c. 33.

In section 19(1) the reference to section 58 of the Lands Clauses Consolidation Act 1845 includes a reference to Schedule 2 to this Act.

THE TOWN AND COUNTRY PLANNING ACT 1962

F81

Textual Amendments

F81 Sch. 7 entry relating to Town and Country Planning Act 1962 repealed by [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 25](#)

REFERENCES TO SECTIONS 63 AND 68 OF LANDS CLAUSES CONSOLIDATION ACT 1845

References to section 63 or section 68 of the Lands Clauses Consolidation Act 1845 in any enactment shall include references to section 7 or, as the case may be, section 10 of this Act.

SCHEDULE 8

Section 39(4).

REPEALS

PART I

ENACTMENTS CONSOLIDATED

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 59.	The Land Settlement Facilities Act 1919.	Section 12(3).
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	Section 17(1).
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 2, in paragraph 1, sub-paragraph (a) and (b), and in paragraph 2 the words “the Land Clauses Acts and” and sub-paragraph (b).
9 & 10 Geo. 6. c. 49	The Acquisition of Land (Authorisation Procedure) Act 1946.	In section 1(3), the words “Land Clauses Acts and other” and the words “I and” in both places.

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		In Schedule 2, Part I except for paragraph 1 (a) as applied by paragraph 7(2) of that Schedule.
		In Schedule 4, in the entry amending the Land Settlement Facilities Act 1919 the words “In section 12, subsection (3) shall not apply to land purchased compulsorily” .
11 & 12 Geo. 6. c. 22.	The Water Act 1948.	In the Schedule, in paragraph 1, the words from the beginning to “those Acts and”, the words “I and” and the proviso, and paragraph 8(2).
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	In Schedule 1, paragraph 1(2). In Schedule 3, paragraph 7(1) (a) and sub-paragraphs (1) to (4), (6) and (8) of paragraph 8, and paragraph 9.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In Schedule 7, paragraph 1(2). In section 75(7), the words from “by the Second” to “1946 and” . In section 86(6) the words from “(notwithstanding” to “1946” .
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	In Schedule 4, paragraph 6(3).
1963 c. 38.	The Water Resources Act 1963.	In Schedule 3, paragraphs 1 and 2.
1964 c. 56.	The Housing Act 1964.	In Schedule 8, paragraph 12(1)(2)(3). Section 59(3).

The repeals in this Part of this Schedule do not apply—

- (a) in relation to a compulsory purchase order confirmed before the commencement of this Act under Part I of Schedule 1 to the Act of 1946 or section 24 of the ^{M27}Water Act 1945 or Part III of the ^{M28}Housing Act 1957, or
- (b) in relation to a compulsory purchase order made before the commencement of this Act under Part II of Schedule 1 to the Act of 1946, or section 9 or section 23 of the Water

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Act 1945 or section 67 of the ^{M29}Water Resources Act 1963, or section 11 of the ^{M30}Pipelines Act 1962, or

- (c) in relation to a notice served under section 59 of the ^{M31}Housing Act 1964 before the commencement of this Act.

Marginal Citations

M27 1945 c. 42.

M28 1957 c. 56.

M29 1963 c. 38.

M30 1962 c. 58.

M31 1964 c. 56.

Marginal Citations

M27 1945 c. 42.

M28 1957 c. 56.

M29 1963 c. 38.

M30 1962 c. 58.

M31 1964 c. 56.

PART II

SPENT PROVISIONS IN LANDS CLAUSES CONSOLIDATION ACT 1845

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18.	The Land Clauses Consolidation Act 1845.	<p>In section 7 the words from “married women” where they first occur to “idiots” where that word first occurs, the words “any estate in dower or to”, the words “for life, or for lives and years, or”, the words “married women entitled to dower or”, the words “for life or for lives and years or”, the words from “and as to such married women” to the word “disability” (before the words “and as to such trustees”).</p> <p>In section 8 the words from the beginning to “as well as” and the word “other”.</p> <p>In section 69 the words from “married woman” to “idiot”.</p>

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In section 70 the words from first “three” to “annuities or in”.

In section 71 the words “coverture, infancy, lunacy or other” and the words “husbands, guardians, committees or”.

In section 72 the words “coverture, infancy, lunacy or other” and the words “husbands, guardians, committees or”.

In section 74 the words from first “a life” to “lives and”.

In section 77 the words from “the Cashier” to “been paid in and”.

In section 81 the words from “to merge” to “conveyed and” and the words from “but although” to the end of the section.

In section 87 the words “bank annuities or”.

Section 88.

The enacting words prefacing sections 95 to 98, and those sections.

In the enacting words prefacing sections 115 to 118 the words “or chief or other rent”.

In section 116 the words “chief or other rent”.

In section 117 the words “chief or other rent”.

Section 139.

Section 143.

Section 147.

The repeals in this Part of this Schedule take effect as from the expiration of a period of one month beginning with the passing of this Act, and extend to the provisions of the Act of 1845 as incorporated in any other Act or provision having effect under an Act.

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PART III

PROVISIONS SUPERSEDED BY LANDS TRIBUNAL ACT 1949 AND LAND COMPENSATION ACT 1961

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18	The Land Clauses Consolidation Act 1845.	<p>In section 21 the word “hereinafter”.</p> <p>Section 22 except as applied by section 30 of the Railways Clauses Consolidation Act 1845.</p> <p>Sections 23 to 57.</p> <p>In section 58 the words from “or who shall” to “notice thereof” and the words from “as two” to the end of the section.</p> <p>In section 59 from the beginning to “as aforesaid and”.</p> <p>In section 68 the words “and if the compensation claimed in such case shall exceed the sum of fifty pounds” and the words from “either” to the end of the section.</p> <p>In section 76 the words “or fail to appear on the inquiry before a jury as herein provided for”.</p> <p>In section 106 the words from “to be appointed” to the end of the section.</p> <p>In section 121 the words from “and the amount” to “differ about the same”.</p> <p>Section 145.</p>
10 & 11 Vict. c. 27.	The Harbours, Docks and Piers Clauses Act 1847.	<p>In section 6 the words from “and except where” to “provided by”, the words from “for determining” to “last mentioned Acts” and the words “and to enforcing the payment or other satisfaction thereof”.</p>

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46 & 47 Vict. c. 15.	The Lands Clauses (Umpire) Act 1883.	The whole Act.
58 & 59 Vict. c. 11.	The Lands Clauses (Taxation of Costs) Act 1895.	The whole Act.
12, 13 & 14 Geo. 6. c. 27.	The Juries Act 1949.	Section 12 In section 18(1) proviso (a).
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act 1949.	In section 1, in subsection (3) (c) the words “on an acquisition by any such authority”, and in subsection (6) the words from “instead of” to “therewith”.

The repeals in this Part of this Schedule take effect as from the expiration of a period of one month beginning with the passing of this Act and those in the ^{M32}Lands Clauses Consolidation Act 1845, and the ^{M33}Harbours, Docks and Piers Clauses Act 1847 extend to the provisions of those Acts as incorporated in any Act or provision passed or made after the passing of this Act.

Marginal Citations

M32 1845 c. 18.

M33 1847 c. 27.

Status:

Point in time view as at 09/06/2009.

Changes to legislation:

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