



Compulsory Purchase Act 1965

1965 CHAPTER 56

PART I

COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

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)

- C1 S. 4: by [Housing Act 1974](#) (c. 44, SIF 61), s. 116, words were added at the end of s. 4 and those words are repealed by [Housing \(Consequential Provisions\) Act 1985](#) (c. 71, SIF 61), s. 3, [Sch. 1 Pt. I](#)
- C2 S. 4 modified by [Housing Act 1985](#) (c. 68, SIF 61), s. 305(7), 307
- C3 S. 4 amended by [Housing Act 1985](#) (c. 68, SIF 61), s. 299, [Sch. 11 Pt. I para. 3\(2\)](#)
- C4 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,

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- (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.
- [^{F1}(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 [^{F2}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 [^{F3}Upper Tribunal].
- (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

- F1** 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**.
- F2** 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)
- F3** 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)

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Modifications etc. (not altering text)

C5 S. 5: restricted by [Housing Act 1985 \(c. 68, SIF 61\)](#), **ss. 305(2)**, 307

6 Reference to [^{F4}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 [^{F4}Upper Tribunal].

Textual Amendments

F4 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)

C6 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)

C7 S. 7: applied by [Development of Rural Wales Act 1976 \(c. 75, SIF 64\)](#), s. 5(1), **Sch. 3 para. 35(3)**

C8 S. 7 extended by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 78(2)(a), **Sch. 10 Pt. II para. 5(4)**

C9 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**

C10 S. 7 applied by [Post Office \(Subway\) Act 1966 \(c. 25\)](#), **s. 2(2)**

C11 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)**

C12 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**)

C13 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)

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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 [^{F5}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 [^{F5}Upper Tribunal][^{F6}so determines], the [^{F5}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.

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 [^{F7}Upper Tribunal], and either party to proceedings for determining the compensation to be paid for the land acquired may require the [^{F7}Upper Tribunal] to make [^{F8}its determination] under this subsection in those proceedings.

Textual Amendments

- F5** 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)
- F6** 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)
- F7** 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)

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- F8** 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)

- C14** 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**
- C15** S. 8(1) amended by Land Compensation Act 1973 (c. 26, SIF 28:1), **s. 58(1)**
- C16** 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)**
- C17** 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**
- C18** 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**
- C19** S. 8(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 6 para. 11(3)(a)**
- C20** S. 8(1) restricted (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 23(1)**

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