



# Compulsory Purchase Act 1965

## 1965 CHAPTER 56

### PART I

#### COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

##### *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 [<sup>F1</sup>a notice of entry] , 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 [<sup>F2</sup>, after the end of a period 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 <sup>M1</sup>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 [<sup>F3</sup>section 12(3) of the Acquisition of Land Act], a like notice shall be served on the [<sup>F4</sup>Diocesan Board of Finance for the diocese in which the land is situated].

In this subsection “owner” has the meaning given by [<sup>F5</sup>section 7(1) of the Acquisition of Land Act].

- [<sup>F6</sup>(1A) A notice of entry under subsection (1) must specify the period after the end of which the acquiring authority may enter on and take possession of the land to which the notice relates.

- (1B) The period specified in a notice of entry under subsection (1) must not end earlier than the end of the period of 3 months beginning with the day on which the notice is served unless it is a notice to which section 11A(4) or paragraph 13 of Schedule 2A applies.]

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- [<sup>F7</sup>(1C) A notice of entry under subsection (1) must explain the effect of section 11B (counter-notice requiring possession to be taken on specified date) and give an address at which the acquiring authority may be served with a counter-notice.]
- [<sup>F8</sup>(1D) An acquiring authority may extend the period specified in a notice of entry under subsection (1) by agreement with each person on whom it was served.
- (1E) A reference in this Act to the period specified in a notice of entry under subsection (1) is to the period as extended by any agreement under subsection (1D).]
- (2) <sup>F9</sup>...
- <sup>F10</sup>  
.....
- (3) For the purpose of [<sup>F11</sup>surveying, valuing or 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 [<sup>F12</sup>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

- F1** Words in s. 11(1) substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 186(2)(a)(i)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))
- F2** Words in s. 11(1) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 186(2)(a)(ii)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))
- F3** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para. 14(3)(a)**
- F4** 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
- F5** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para. 14(3)(b)**
- F6** S. 11(1A)(1B) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 186(2)(b)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))
- F7** S. 11(1C) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 187(2)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))
- F8** S. 11(1D)(1E) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 188**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))
- F9** S. 11(2) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 16 para. 3**; S.I. 2016/733, [reg. 3\(j\)](#)
- F10** S. 11(2) second paragraph repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1**
- F11** Words in s. 11(3) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 14 para. 6**; S.I. 2016/733, [reg. 3\(h\)](#) (with [reg. 6](#))
- F12** 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](#))

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#### **Modifications etc. (not altering text)**

- C1** Pt. 1 modified (8.8.2017) by [The Wrexham Gas Fired Generating Station Order 2017 \(S.I. 2017/766\)](#), arts. 1, **23(2)(3)**
- C2** Pt. 1 applied (with modifications) (24.8.2017) by [The National Grid \(Richborough Connection Project\) Development Consent Order 2017 \(S.I. 2017/817\)](#), art. 1, Sch. 10 paras. 3(2), **4-9** (with art. 22)
- C3** Pt. 1 applied (with modifications) (29.8.2017) by [The East Anglia THREE Offshore Wind Farm Order 2017 \(S.I. 2017/826\)](#), art. 1, **Sch. 6 para. 3(2)-9** (with arts. 36, 37, Sch. 8 para. 34)
- C4** Pt. 1 applied (with modifications) (5.9.2017) by [The London Overground \(Barking Riverside Extension\) Order 2017 \(S.I. 2017/830\)](#), arts. 1, **22** (with Sch. 8 para. 20)
- C5** Pt. 1 applied (with modifications) (8.12.2017) by [The Network Rail \(Closure of Abbots Ripton Level Crossing\) Order 2017 \(S.I. 2017/1074\)](#), art. 1, Sch. 1 paras. 2, **3**
- C6** Pt. 1 applied (8.12.2017) by [The Network Rail \(Closure of Abbots Ripton Level Crossing\) Order 2017 \(S.I. 2017/1074\)](#), arts. 1, **8(2)**
- C7** Pt. 1 applied (with modifications) (19.12.2017) by [The Network Rail \(Buxton Sidings Extension\) Order 2017 \(S.I. 2017/1150\)](#), arts. 1, 19, Sch. 7 paras. 4, **5** (with arts. 28(1)(a), 32(2))
- C8** Pt. 1 modified (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **27** (with arts. 4, 23, 37)
- C9** Pt. 1 applied (with modifications) (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), art. 1, Sch. 6 paras. 4, **5** (with arts. 4, 37)
- C10** Pt. 1 applied (with modifications) (2.1.2018) by [The Boston Barrier Order 2017 \(S.I. 2017/1329\)](#), arts. 1, **32** (with arts. 43(1), 55-57, Sch. 8 para. 13)
- C11** Pt. 1 applied (with modifications) (2.1.2018) by [The Boston Barrier Order 2017 \(S.I. 2017/1329\)](#), art. 1, Sch. 3 paras. 1, **4-10** (with arts. 55-57, Sch. 8 para. 13)
- C12** Pt. 1 applied (with modifications) (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), art. 1, Sch. 6 paras. 4, **5** (with arts. 24(8), 33(2))
- C13** Pt. 1 applied (with modifications) (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **18, 29** (with arts. 24(8), 33(2))
- C14** Pt. 1 applied (with modifications) (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), arts. 1(2), **25**, Sch. 5 paras. 4, 5
- C15** Pt. 1 applied (with modifications) (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), art. 1(2), Sch. 5 paras. 4, **5**
- C16** Pt. 1 applied (with modifications) (4.6.2018) by [The Network Rail \(Kings Mill No. 1 Level Crossing\) \(Land Acquisition and Closure\) Order 2018 \(S.I. 2018/571\)](#), arts. 1, 6, 14, Sch. 2 paras. 4, **5**
- C17** Pt. 1 applied (with modifications) (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), arts. 1, **19, 28(1)(a)** (with art. 31(2))
- C18** Pt. 1 applied (with modifications) (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), art. 1, Sch. 9 paras. 4, **5** (with art. 31(2))
- C19** Pt. 1 applied (with modifications) (26.9.2018) by [The Network Rail \(Felixstowe Branch Line Improvements Level Crossings Closure\) Order 2018 \(S.I. 2018/937\)](#), arts. 1, **11, 18(1)(a)**
- C20** Pt. 1 applied (with modifications) (26.9.2018) by [The Network Rail \(Felixstowe Branch Line Improvements Level Crossings Closure\) Order 2018 \(S.I. 2018/937\)](#), art. 1, Sch. 8 paras. 4, **5**
- C21** Pt. 1 modified (3.10.2018) by [The A19/A184 Testo's Junction Alteration Development Consent Order 2018 \(S.I. 2018/994\)](#), arts. 1, **25** (with arts. 3(3), 5, 22)
- C22** Pt. 1 applied (with modifications) (3.10.2018) by [The A19/A184 Testo's Junction Alteration Development Consent Order 2018 \(S.I. 2018/994\)](#), art. 1, Sch. 6 paras. 4, **5** (with arts. 3(3), 5)
- C23** 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))
- C24** S. 11 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), Sch. 3 paras. 4, **5**
- C25** S. 11 modified (31.3.1994) by [British Railways Act 1994 \(c. iv\)](#), s. 17, **Sch. 2 para. 4**

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- C26** Pt. 1 applied (with modifications) (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), art. 1, Sch. 11 paras. 3(2), 4, **5**
- C27** S. 11 modified (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), art. 1, **Sch. 7 para. 6**
- C28** 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)**
- C29** S. 11(1) modified by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), s. 2, **Sch. 2 Pt. II para. 1**  
 S. 11(1) modified (26.5.1994) by Greater Manchester (Light Rapid Transit System) Act 1994 (c. vi), **s. 3(2)**
- C30** S. 11(1) excluded by Agriculture Act 1967 (c. 22), **s. 49(7)** (ii)
- C31** S. 11(1) applied (with modifications) by Heathrow Express Railway Act 1991 (c. vii), **s. 4(2)**
- C32** 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)**
- C33** 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**
- C34** 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))
- C35** S. 11(3) modified (11.11.1996) by S.I. 1996/2714, **art. 50(3)**
- C36** 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. II para. 2(2)
- C37** S. 11(3) powers excluded (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 10 para. 54(1)** (with art. 51, Sch. 10 paras. 68, 85)  
 S. 11(3) restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), art. 1, **Sch. 12 para. 4(1)** (with arts. 12, 13, Pt. 2 para. 6, 3para. 5, 4para. 4, 5para. 4, Sch. 12 paras. 6(3), 19)  
 S. 11(3) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, Sch. 16 Pt. 4 s. 1 para. 3, Sch. 16 Pt. 4 s. 2 para. 3, Sch. 16 Pt. 4 s. 3 para. 3, **Sch. 16 Pt. 5 para. 4(1)**
- C38** S. 11(3) restricted (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), art. 1, **Sch. 13 para. 4(1)**
- C39** S. 11(3) restricted (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), art. 1, **Sch. 8 para. 3(2)** (with arts. 51, 53)
- C40** S. 11(3) restricted (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), art. 1, **Sch. 12 para. 4** (with arts. 40, 41)
- C41** S. 11(3) excluded (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), art. 1(2), **Sch. 12 para. 4(1)** (with arts. 37, 38)
- C42** S. 11(3) excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), art. 1, **Sch. 9 para. 23(1)**
- C43** S. 11(3) excluded (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), art. 1(2), **Sch. 8 para. 4(1)(k)** (with arts. 39, 40, Sch. 8 para. 19)
- C44** S. 11(3) excluded (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), art. 1, **Sch. 9 para. 26(1)**
- C45** S. 11(3) restricted (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), art. 1, **Sch. 8 para. 4(1)** (with Sch. 8 para. 20)
- C46** S. 11(3) restricted (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 7 para. 12(2)** (with arts. 55-57, Sch. 8 para. 13)

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### Marginal Citations

M1 1961 c. 33.

## [<sup>F13</sup>11A Powers of entry: further notices of entry

- (1) This section applies where—
  - (a) an acquiring authority have given a notice of entry under section 11(1) but have not yet entered on and taken possession of the land, and
  - (b) the authority become aware of an owner, lessee or occupier (“the newly identified person”) to whom they ought to have given a notice to treat under section 5(1) but have not.
- (2) Any notice of entry already served under section 11(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified person—
  - (a) a notice to treat under section 5(1), and
  - (b) a notice of entry under section 11(1).
- (3) Subsection (4) applies for the purpose of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person if—
  - (a) the person is an occupier of the land and the authority were not aware of the person because they were given misleading information when carrying out inquiries under section 5(1), or
  - (b) the person is not an occupier of the land.
- (4) The period specified in the notice must be a period that ends—
  - (a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and
  - (b) no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.]

### Textual Amendments

**F13** S. 11A inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 186(3)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))

### Modifications etc. (not altering text)

- C15** Pt. 1 applied (with modifications) (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), [art. 1\(2\)](#), [Sch. 5 paras. 4, 5](#)
- C47** Pt. 1 applied (with modifications) (4.1.2018) by [The Blackpool Tramway \(Blackpool North Extension\) Order 2017 \(S.I. 2017/1214\)](#), [arts. 1, 27](#) (with [arts. 58, 59](#))
- C48** Pt. 1 applied (with modifications) (4.1.2018) by [The Blackpool Tramway \(Blackpool North Extension\) Order 2017 \(S.I. 2017/1214\)](#), [art. 1](#), [Sch. 4 paras. 4, 5](#) (with [arts. 58, 59](#))
- C49** S. 11A excluded by [New Towns Act 1981 \(c. 64\)](#), **Sch. 6 para. 4A(5)** (as inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 189(3)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#)))

## [<sup>F14</sup>11B Counter-notice requiring possession to be taken on specified date

- (1) Where an acquiring authority serve a notice of entry under section 11(1) on an occupier with an interest in land, the occupier may serve a counter-notice requiring the acquiring

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- authority to take possession of the land by no later than a date specified in the counter-notice.
- (2) If the occupier gives up possession of the land on or before the specified date the acquiring authority are to be treated as having taken possession on that date (unless the acquiring authority has in fact taken possession before that date).
  - (3) The date specified in the counter-notice—
    - (a) must not be before the end of the period specified in the notice of entry under section 11(1), and
    - (b) must be at least 28 days after the day on which the counter-notice is served.
  - (4) A counter-notice under subsection (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.
  - (5) A counter-notice under subsection (1) has no effect if it would require an acquiring authority to take possession of land at a time when section 11A or paragraph 6 of Schedule 2A prohibit the authority from entering on and taking possession of the land.
  - (6) If subsection (5) applies, the authority must notify the occupier who served the counter-notice—
    - (a) that the counter-notice has no effect, and
    - (b) if the authority serve a notice of entry as mentioned in section 11A(2)(b), of the date after which the authority could enter on and take possession of the land.
  - (7) If a counter-notice served under subsection (1) has no effect because of subsection (5), the occupier who served it may serve a further counter-notice.
  - (8) Where a notice of entry under section 11(1) is served on more than one occupier with the same interest in the land, a reference in this section to the occupier with an interest in land is to all of them acting together.]

#### Textual Amendments

**F14** S. 11B inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 187(3)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#))

#### Modifications etc. (not altering text)

**C15** Pt. 1 applied (with modifications) (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), [art. 1\(2\)](#), [Sch. 5 paras. 4, 5](#)

**C50** S. 11B excluded by [New Towns Act 1981 \(c. 64\)](#), **Sch. 6 para. 4B(9)** (as inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 189(3)**, 216(3); S.I. 2017/75, [reg. 3\(e\)](#) (with [reg. 5](#)))

## 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.

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- (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 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 <sup>F15</sup> ... although such person may not have been legally entitled thereto.

#### Textual Amendments

- F15** Words in s. 12(6) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 16 para. 4](#); S.I. 2016/733, reg. 3(j)

#### Modifications etc. (not altering text)

- C15** Pt. 1 applied (with modifications) (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), art. 1(2), [Sch. 5 paras. 4, 5](#)
- C51** 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](#)
- C52** S. 12 modified (8.8.2017) by [The Wrexham Gas Fired Generating Station Order 2017 \(S.I. 2017/766\)](#), art. 1, [Sch. 7 para. 6](#)
- C53** 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 <sup>F16</sup>—
  - (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 <sup>F17</sup>the person to whom it is issued] shall deliver possession of any such land accordingly.

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[<sup>F18</sup>(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 [<sup>F19</sup>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 [<sup>F20</sup>recovered by using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)], and on application to any justice of the peace for that purpose he shall issue his warrant accordingly.

<sup>F21</sup>(5) .....

(6) In this section [<sup>F22</sup>—

"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

- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)
- F20** Words in s. 13(4) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 28\(2\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F21** S. 13(5) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 28\(3\)](#), [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F22** 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)

- C54** 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](#)
- C55** 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))



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- C56** 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)
- C57** 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)
- C58** 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))
- C59** 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)
- C60** S. 13 applied (13.12.2006) by Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **24(11)**
- C61** 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)
- C62** 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))
- C63** S. 13 applied (21.5.2008) by Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), arts. 1(1), **6(10)**
- C64** S. 13 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 5 para. 6**
- C65** S. 13 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2013 (S.I. 2013/680), arts. 25(10), 26(10)
- C66** S. 13 applied (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), arts. 1, **8(9)**  
S. 13 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **35(11)**, **36(10)**
- C67** S. 13 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **29(10)**
- C68** S. 13 applied (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **34(11)** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C69** S. 13 applied (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **26(12)**
- C70** S. 13 applied (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **27(9)**
- C71** S. 13 applied (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **28(10)**
- C72** S. 13 applied (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **27(10)** (with art. 27(11))
- C73** S. 13 modified (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), art. 1, **Sch. 7 para. 6**
- C74** S. 13 applied (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **27(10)**
- C75** S. 13 applied (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **26(11)** (with art. 26(12))
- C76** S. 13 applied (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **29(11)** (with arts. 22, 29(12))
- C77** S. 13 applied (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **28(11)** (with arts. 22, 28(12))
- C78** S. 13 applied (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **30(10)** (with art. 22)
- C79** S. 13 applied (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **23(10)** (with arts. 5(9), 36, 37, Sch. 8 para. 34)
- C80** S. 13 applied (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **24(10)** (with arts. 5(9), 24(8), 36, 37, Sch. 8 para. 34)
- C81** S. 13 applied (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), arts. 1, **29(10)** (with Sch. 8 para. 20)

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- C82** S. 13 applied (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), arts. 1, **28(9)** (with Sch. 8 para. 20)
- C83** S. 13 applied (with modifications) (15.11.2017) by The Network Rail (Summerway Overbridge) Order 2017 (S.I. 2017/1027), arts. 1, **5**
- C84** S. 13 applied (8.12.2017) by The Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017 (S.I. 2017/1074), arts. 1, **9(9)**
- C85** S. 13 applied (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **23(10)** (with art. 32(2))
- C86** S. 13 modified (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **23(10)** (with art. 32(2))
- C87** S. 13 applied (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **24(10)** (with arts. 24(8), 32(2))
- C88** S. 13 modified (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **24(10)** (with art. 32(2))
- C89** S. 13 applied (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **32(10)** (with arts. 4, 37)
- C90** S. 13 applied (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **31(10)** (with arts. 4, 37)
- C91** S. 13 applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **38(10)** (with arts. 55-57, Sch. 8 para. 13)
- C92** S. 13 applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **39(10)** (with arts. 39(8), 55-57, Sch. 8 para. 13)
- C93** S. 13 applied (with modifications) (4.1.2018) by The Network Rail (Streat Green Underbridge) (Temporary Land Acquisition) Order 2017 (S.I. 2017/1302), arts. 1, **4**
- C94** S. 13 applied (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **33(11)** (with arts. 58, 59)
- C95** S. 13 applied (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **32(9)** (with arts. 58, 59)
- C96** S. 13 applied (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **25(10)** (with arts. 24(8), 25(8), 33(2))
- C97** S. 13 applied (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **24(10)** (with arts. 24(8), 33(2))
- C98** S. 13 applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **15(11)**, 16(6), 30(13) (with arts. 15(6), 30(11))
- C99** S. 13 applied (4.6.2018) by The Network Rail (Kings Mill No. 1 Level Crossing) (Land Acquisition and Closure) Order 2018 (S.I. 2018/571), arts. 1, **9(10)**
- C100** S. 13 applied (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **24(10)**, 25(10) (with art. 31(2))
- C101** S. 13 applied (26.9.2018) by The Network Rail (Felixstowe Branch Line Improvements Level Crossings Closure) Order 2018 (S.I. 2018/937), arts. 1, **14(10)**, 18(2)
- C102** S. 13 applied (3.10.2018) by The A19/A184 Testo's Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **30(10)** (with arts. 3(3), 5)
- C103** S. 13 applied (3.10.2018) by The A19/A184 Testo's Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **29(11)** (with arts. 3(3), 5, 22)

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