



# Compulsory Purchase Act 1965

## 1965 CHAPTER 56

### PART II

#### APPLICATION OF PART I IN OTHER CASES AND SUPPLEMENTAL PROVISIONS

#### 33 Compulsory purchase orders under Water Acts 1945 and 1948.

..... F1

##### Textual Amendments

F1 S. 33 repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190, [Sch. 27 Pt.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.

..... F2

##### Textual Amendments

F2 S. 34 repealed by [Housing \(Consequential Provisions\) Act 1985](#) (c. 71, SIF 61), s. 3, [Sch. 1 Pt. 1](#)

#### 35 ..... F3

##### Textual Amendments

F3 S. 35 repealed by [Housing \(Consequential Provisions\) Act 1985](#) (c. 71, SIF 61), s. 3, [Sch. 1 Pt. I](#)

*Status: Point in time view as at 03/10/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Compulsory Purchase Act 1965, Part II. (See end of Document for details)*

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

F4

#### Textual Amendments

**F4** S. 36 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt.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 <sup>M1</sup>Pipe-lines Act 1962 as it applies in relation to a compulsory purchase order under the [<sup>F5</sup>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) [<sup>F6</sup>Subsection (1)] 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 <sup>M2</sup>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

**F5** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), **Sch. 4 para. 14(7)**

**F6** Words in s. 37 substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 16 para. 5**; S.I. 2016/733, reg. 3(j)

#### Marginal Citations

**M1** 1962 c. 58.

**M2** 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 [<sup>F7</sup>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).

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- (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 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

**F7** 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 [<sup>F8</sup>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 <sup>M3</sup>Lands Tribunal Act 1949 and the <sup>M4</sup>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 <sup>M5</sup>Interpretation Act 1889 (which relates to the effect of repeals).

#### Textual Amendments

**F8** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 14\(9\)](#)

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**Marginal Citations**

**M3** 1949 c. 42.

**M4** 1961 c. 33.

**M5** 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.

**Status:**

Point in time view as at 03/10/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the Compulsory Purchase Act 1965, Part II.