



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

In this subsection “owner” has the meaning given by [<sup>F3</sup>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.

<sup>F4</sup> .....

- (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

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to the owners or occupiers of the land, and any question of disputed compensation under this subsection shall be referred to the [<sup>F5</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 substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **Sch. 4 para. 14(3)(a)**
- F2** 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
- F3** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **Sch. 4 para. 14(3)(b)**
- F4** S. 11(2) second paragraph repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. 1**
- F5** 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)

- C1** 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))
- C2** S. 11 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
- C3** S. 11 modified (31.3.1994) by British Railways Act 1994 (c. iv), s. 17, **Sch. 2 para. 4**
- C4** 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)**
- C5** S. 11(1) modified by Development of Rural Wales Act 1976 (c. 75, SIF 64), s. 5(1), **Sch. 3 para. 31(1)**
- C6** 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)
- C7** S. 11(1) excluded by Agriculture Act 1967 (c. 22), s. 49(7) (ii)
- C8** S. 11(1) applied (with modifications) by Heathrow Express Railway Act 1991 (c. vii), s. 4(2)
- C9** 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)
- C10** 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**
- C11** 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))
- C12** S. 11(3) modified (11.11.1996) by S.I. 1996/2714, **art. 50(3)**
- C13** 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)**
- C14** 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)

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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)**

#### Marginal Citations

**M1** 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 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)

- C15** 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**
- C16** 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 [F6—

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- (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>F7</sup>the person to whom it is issued] shall deliver possession of any such land accordingly.
- [<sup>F8</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>F9</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>F10</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>F11</sup>(5) .....
- (6) In this section [<sup>F12</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

- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)

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

- C17** 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](#)
- C18** 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))
- C19** 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)
- C20** 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)
- C21** 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))
- C22** 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)
- C23** S. 13 applied (13.12.2006) by [Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\), arts. 1, 24\(11\)](#)
- C24** 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)
- C25** 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))
- C26** S. 13 applied (21.5.2008) by [Teesport \(Land Acquisition\) Order 2008 \(S.I. 2008/1238\), arts. 1\(1\), 6\(10\)](#)
- C27** S. 13 applied (with modifications) (22.7.2008) by [Crossrail Act 2008 \(c. 18\), Sch. 5 para. 6](#)
- C28** S. 13 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2013 \(S.I. 2013/680\), arts. 25\(10\), 26\(10\)](#)
- C29** 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\(10\)](#)

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