

*Status: Point in time view as at 22/07/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Compulsory Purchase Act 1965, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 5.

#### ABSENT AND UNTRACED OWNERS

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

- C1** Sch. 2 excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. **10(2)**
- C2** 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,
- <sup>M1</sup>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 [<sup>F1</sup>Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].
- <sup>F2</sup>(2) .....
- (3) <sup>F3</sup>... the acquiring authority shall preserve the valuation <sup>F3</sup>... 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

- F1** 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)
- F2** Sch. 2 para. 1(2) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. III**
- F3** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. III**

##### Marginal Citations

- M1** 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.

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- (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)

- C3** Sch. 2 para. 2(3) modified (31.3.1994) by 1994 c. iv, s. 17, **Sch. 2 para. 3**
- C4** 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)**
- C5** Sch. 2 para. 2(3) modified (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), art. 1, **Sch. 7 para. 5(c)**
- C6** Sch. 2 para. 2(3) modified (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), art. 1, **Sch. 7 para. 6(c)** (with arts. 41, 42, Sch. 16 para. 66)

- 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 <sup>M2</sup>Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the court thinks fit.
- (2) ..... <sup>F4</sup>

#### Textual Amendments

- F4** Sch. 2 para. 3(2) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

#### Marginal Citations

- M2** 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 [<sup>F5</sup>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 [<sup>F5</sup>Upper Tribunal][<sup>F6</sup>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 [<sup>F5</sup>Upper Tribunal][<sup>F7</sup>determines] that the compensation paid into court was sufficient, the costs of and incident to the proceedings before the [<sup>F5</sup>Upper Tribunal] shall, in accordance with [<sup>F8</sup>section 29 of the Tribunals, Courts and

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Enforcement Act 2007], be in the discretion of that Tribunal, but if the [<sup>F5</sup>Upper Tribunal][<sup>F7</sup>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.

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**Textual Amendments**

- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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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