

*Status: Point in time view as at 28/11/2014.*

*Changes to legislation: Compulsory Purchase Act 1965 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 2 and 3.

#### PERSONS WITHOUT POWER TO SELL THEIR INTERESTS

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

**C1** Sch. 1 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 5(4), Sch. 1 paras. 3-9

##### *Preliminary*

- 1 (1) The provisions of this Schedule have effect subject to section 42(7) of the <sup>M1</sup>Law of Property Act 1925 (which provides that if on a compulsory purchase title could have been made without payment into court, title shall be made in that way unless the purchaser otherwise elects).
- (2) The provisions of this Schedule—
- (a) have effect as if references to disabilities did not include references to disabilities of infants, married women or lunatics or defectives, and
  - [<sup>F1</sup>(b) do not have effect in relation to a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) for the purposes of this Act if—
    - (i) there is a donee of an enduring power of attorney or lasting power of attorney (within the meaning of the 2005 Act), or a deputy appointed for the person by the Court of Protection, and
    - (ii) the donee or deputy has power in relation to the person for the purposes of this Act.]

##### Textual Amendments

**F1** Sch. 1 para. 1(2)(b) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 12 (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

##### Marginal Citations

**M1** 1925 c. 20.

##### *Power to sell and convey to the acquiring authority*

- 2 (1) It shall be lawful for all persons who are seised or possessed of or entitled to any of the land subject to compulsory purchase, or any estate or interest in any of that land, to sell and convey or release it to the acquiring authority, and to enter into all necessary agreements for the purpose.
- (2) Subject to paragraph 1 of this Schedule, the foregoing subparagraph applies in particular—
- (a) to corporations,

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- (b) to tenants in tail or for life,
  - (c) to trustees for charitable or other purposes, and
  - (d) to persons for the time being entitled to the receipt of the rents and profits of any of the land (whether in possession or subject to any lease for years or any less interest).
- (3) Subject to paragraph 1 of this Schedule, the powers conferred by this paragraph on any person, other than a lessee for a term of years, or for any less interest, may be exercised not only on behalf of himself and his successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after him, or in defeasance of his estate.
- (4) Trustees for a cestui que trust under any disability may exercise the powers conferred by this paragraph on behalf of that cestui que trust to the same extent that the cestui que trust could have exercised those powers if he had not been under any disability.

*Additional powers of entering into transactions with acquiring authority*

- 3 The following powers, that is—
- (a) any power conferred on a lord of the manor by Schedule 4 to this Act, and
  - (b) any power of releasing land from any rent, charge or incumbrance, or of agreeing to the apportionment of any rent, charge or incumbrance under sections 14 to 20 of this Act.
- may lawfully be exercised by any person enabled under the last foregoing paragraph to sell and convey or release land to the acquiring authority.

*Valuation on purchase by agreement*

- 4 (1) Subject to this paragraph, the compensation to be paid for any land to be purchased from a person under any disability or incapacity who has no power to sell or convey the land except under this Schedule, or for any permanent damage or injury to any such land, shall be determined by the valuation of two surveyors, one of whom shall be nominated by the acquiring authority, and the other by the other party.
- (2) If the two surveyors cannot agree on a valuation, two justices of the peace may, on the application of either party, and after notice to the other party, nominate a third surveyor to make the valuation instead of the two other surveyors.
- (3) Each of the two surveyors or, as the case may be, the third surveyor shall annex to any valuation made by him a declaration in writing signed by him of the correctness of the valuation.
- (4) No valuation need be made under this paragraph if the compensation has been determined [<sup>F2</sup>by the Upper Tribunal] in pursuance of the provisions of this Act or under paragraph 1 of Schedule 2 to this Act.
- (5) In this paragraph “surveyor” means an able practical surveyor.

**Textual Amendments**

- F2** Words in [Sch. 1 para. 4\(4\)](#) 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. 71](#) (with [Sch. 5](#))

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*Sale in consideration of rentcharge*

- 5
- (1) On a sale under section 24(1)(b) of this Act the amount of the rentcharge shall be settled in accordance with the last foregoing paragraph, but subject to the following provisions of this paragraph.
  - (2) The amount of the rentcharge shall not be less than five-fourths of the average net annual rent received by the persons beneficially interested in the land in question in the last seven years.
  - (3) A charge of five per cent. on the gross amount of any compensation estimated or fixed under this Act by way of compensation for any damage that may be done to the land shall be added to and form part of the rentcharge.
  - (4) No fine or premium, or consideration in the nature of a fine or premium, shall be paid or taken in respect of the land sold or damaged, other than the rentcharge.
  - (5) The rentcharge shall remain on the same trusts and for the same purposes as those on and for which the rents and profits of the land stood settled or assured at or immediately before the conveyance of the land.

*Application of compensation payable in respect of interest of person under disability*

- 6
- (1) This paragraph applies to the compensation in respect of any land or interest in land purchased by the acquiring authority from a person who has no power to sell or convey it except under this Schedule, and compensation in respect of any permanent damage to any such land.
  - (2) Subject to this Schedule the compensation shall be paid into court and shall remain until applied to one or more of the following purposes on an order of the High Court, that is—
    - (a) in the discharge of any debt or incumbrance affecting the land, or affecting other land settled therewith on the same or the like trusts or purposes, or
    - (b) in the purchase of other land to be conveyed, limited and settled upon like trusts and purposes, and in the same manner, as the land stood settled in respect of which the compensation was paid, or
    - (c) if the compensation was paid in respect of any buildings taken or injured by the proximity of the works, in removing or replacing the buildings, or substituting other buildings, in such manner as the High Court may direct, or
    - (d) in payment to any party becoming absolutely entitled to the compensation.
  - (3) If, before compensation is applied under sub-paragraph (2) of this paragraph, it is dealt with under section 6 of the <sup>M2</sup>Administration of Justice Act 1965, the annual proceeds thereof shall be paid to the person who would for the time being have been entitled to the rents and profits of the land in respect of which the compensation was paid.
  - (4) An order of the High Court under this paragraph may be made on the application of the person who would have been entitled to the rents and profits of the land in respect of which the compensation is paid.
  - (5) .....

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**Textual Amendments**

**F3** Sch. 1 para. 6(5) repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, **Sch. Pt. III**

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

**C2** Para. 6 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

**Marginal Citations**

**M2** 1965 c. 2.

*Alternative method of disposing of compensation between £200 and £20*

- 7 (1) If the amount of the compensation exceeds twenty pounds but does not exceed two hundred pounds, it may, with the approval of the acquiring authority, instead of being paid into court under the last foregoing paragraph, be paid to two trustees approved by the acquiring authority and nominated by the person entitled to the rents or profits of the land in respect of which the compensation is paid by a nomination in writing signed by him.
- (2) The compensation paid to the trustees, and the income arising from it, shall be applied by the trustees in accordance with the last foregoing paragraph, except that it shall not be necessary to obtain any order of the High Court for that purpose, and the compensation until so applied may be invested in government or real securities.

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

**C3** Para. 7 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

*Compensation not exceeding £20*

- 8 If the compensation does not exceed twenty pounds, it shall be paid to the person entitled to the rents and profits of the land in respect of which it is payable, for his own use and benefit.

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

**C4** Para. 8 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

*Sums payable under contract with persons not absolutely entitled*

- 9 (1) All sums of money exceeding twenty pounds payable by the acquiring authority in respect of the taking, using or interfering with any land under a contract or agreement with any person who is not entitled to dispose of the land absolutely for his own benefit shall be paid into court or to trustees in accordance with paragraphs 6 and 7 of this Schedule, and it shall not be lawful for any such person to retain to his own use—
- (a) any part of any sums agreed or contracted to be paid for or in respect to the taking, using or interfering with any of the land, or
  - (b) any part of the sums agreed or contracted to be paid in lieu of bridges, tunnels or other accommodation works.

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- (2) All such money shall be deemed to have been contracted to be paid for and on account of the several parties interested in the land, whether in possession or in remainder, reversion or expectancy.
- (3) Notwithstanding the last foregoing sub-paragraph, the High Court or, as the case may be, the trustees under paragraph 7 of this Schedule may if they think fit allot to any tenant for life, or to a tenant for any other partial or qualified estate, for his own use, a part of the sums of money paid into court or to trustees under this Schedule as compensation for any injury, inconvenience or annoyance which he may have sustained independently of the actual value of the land, and of the damage occasioned to the land held therewith, by reason of the taking of the land and the execution of the works.

#### *Conveyance of the land or interest*

- 10 (1) When the compensation agreed or awarded in respect of the land has been paid into court under the foregoing provisions of this Schedule, the owner of the land (including all parties who are by this Schedule enabled to sell or convey the land) shall, when required to do so by the acquiring authority, duly convey the land or interest to the acquiring authority, or as they direct.
- (2) If there is a failure to comply with the foregoing sub-paragraph, or a failure to adduce a good title to the land to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to execute a deed poll containing a description of the land, and reciting its acquisition by the acquiring authority, the names of the parties from whom it was purchased, the amount of compensation paid into court and the default.
- (3) On execution of the deed poll all the estate and interest in the land belonging to, or capable of being sold and conveyed by, any person as between whom and the acquiring authority the compensation was agreed or awarded and paid into court shall vest absolutely in the acquiring authority, and as against all such persons and all parties on behalf of whom they are enabled by this Schedule to sell and convey, the acquiring authority shall be entitled to immediate possession of the land.

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

- C5 Para. 10 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 13\(3\), Sch. 3 paras. 4, 5](#)
- C6 Sch. 1 para. 10(3) modified (31.3.1994) by [1994 c. iv, s. 17, Sch. 2 para. 3](#)
- C7 Sch. 1 para. 10(3) applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\), s. 13, Sch. para.3.](#)  
Sch. 1 para. 10(3) applied (with modifications) (7.3.1995) by [S.I. 1995/519, art. 23\(3\), Sch. 4 para. 6\(b\)](#)

## SCHEDULE 2

Section 5.

### ABSENT AND UNTRACED OWNERS

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

- C8 Sch. 2 excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\), s. 10\(2\)](#)

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**C9** 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>M3</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>F4</sup>Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].
- <sup>F5</sup>(2) .....
- (3) <sup>F6</sup>... the acquiring authority shall preserve the valuation <sup>F6</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

- F4** 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](#))
- F5** Sch. 2 para. 1(2) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. III](#)
- F6** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. III](#)

#### Marginal Citations

- M3** [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.
- (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)

- C10** Sch. 2 para. 2(3) modified (31.3.1994) by [1994 c. iv, s. 17, Sch. 2 para. 3](#)

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- C11** 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\(c\)](#)

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>M4</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>F7</sup>

#### Textual Amendments

**F7** Sch. 2 para. 3(2) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. IX](#)

#### Marginal Citations

**M4** 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>F8</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>F8</sup>Upper Tribunal][<sup>F9</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>F8</sup>Upper Tribunal][<sup>F10</sup>determines] that the compensation paid into court was sufficient, the costs of and incident to the proceedings before the [<sup>F8</sup>Upper Tribunal] shall, in accordance with [<sup>F11</sup>section 29 of the Tribunals, Courts and Enforcement Act 2007], be in the discretion of that Tribunal, but if the [<sup>F8</sup>Upper Tribunal][<sup>F10</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.

#### Textual Amendments

**F8** 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)

**F9** 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)

**F10** 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)

**F11** 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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## SCHEDULE 3.

Section 11.

## ALTERNATIVE PROCEDURE FOR OBTAINING RIGHT OF ENTRY

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

- C12** Sch. 3 modified by Land Compensation Act 1973 (c. 26, SIF 28:1), s. 57(1)  
**C13** Sch. 3 excluded by Land Compensation Act 1973 (c. 26, SIF 28:1), s. 52(10)(b)  
**C14** Sch. 3 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

- 1 Before entering on any of the land the acquiring authority shall comply with the requirements of paragraphs 2 and 3 of this Schedule as respects each person interested in or entitled to sell and convey the land who has not given his consent to the entry (hereinafter referred to as “the owner”).
- 2 (1) The acquiring authority shall pay into court by way of security—  
 (a) the amount of compensation claimed by the owner, or  
 (b) a sum equal to the value of his interest as determined by a surveyor appointed in accordance with the following sub-paragraph.
- (2) The surveyor shall be an able practical surveyor appointed by two justices of the peace acting together by an instrument in writing signed by them.
- 3 (1) The acquiring authority shall also give or tender to the owner a bond in a penal sum equal to the sum to be paid into court under paragraph 2 of this Schedule, conditioned for payment to the owner, or, as the case may be, for payment into court in accordance with this Act, of all the compensation which may be agreed or awarded, together with interest thereon at the rate prescribed under section 32 of the <sup>M5</sup>Land Compensation Act 1961 from the time of entry until the compensation is paid over, or paid into court, in accordance with this Act.
- (2) The bond shall, where the acquiring authority are a corporation, be under their common seal or official seal.
- (3) The bond shall be with two sufficient sureties, and, if the acquiring authority and the owner do not agree, the sureties shall be approved by two justices of the peace acting together.

**Marginal Citations****M5** 1961 c. 33.

- 4 (1) Money paid into court under paragraph 2 of this Schedule shall remain in court by way of security to him for the performance of the condition of the bond.
- (2) If the money has been dealt with under section 6 of the <sup>M6</sup>Administration of Justice Act 1965, it shall be accumulated.
- (3) When the condition of the bond is fully performed, the High Court may, on the application of the acquiring authority, order the money, or the proceeds of the securities in which it has been invested, together with the accumulation, to be paid to the acquiring authority.



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(4) If the condition of the bond has not been fully performed, the High Court may order the money to be applied, in such manner as the court thinks fit, for the benefit of the person for whose security it was paid into court.

(5) ..... F12

**Textual Amendments**

F12 Sch. 3 para. 4(5) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), Sch. 1 Pt. IX

**Marginal Citations**

M6 1965 c. 2.

SCHEDULE 4

Section 21.

COMMON LAND

*General*

- 1 (1) The compensation in respect of the right in the soil of any of the land subject to compulsory purchase and subject to any rights of common shall be paid to the lord of the manor, in case he is entitled thereto, or to such party, other than the commoners, as is entitled to the right in the soil.
- (2) The compensation in respect of all other commonable and other rights in or over such land, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of the land, shall be determined and paid and applied in the manner provided in the following provisions of this Schedule with respect to common land the right in the soil of which belongs to the commoners: and upon payment of the compensation so determined either to the persons entitled thereto or into court all such commonable and other rights shall cease and be extinguished.

*Duty of owner of right in the soil to convey on payment of compensation*

- 2 (1) On payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation agreed or awarded in respect of the right in the soil of any such land, or, where provided for in this Act, on payment into court of that compensation, the lord of the manor or other party shall convey the land to the acquiring authority.
- (2) The conveyance shall have the effect of vesting the land in the acquiring authority as if the lord of the manor or other party had been seised in fee simple of the land at the time of executing the conveyance.
- (3) In default of such a conveyance it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act, and thereupon the land in respect of which the compensation was paid into court shall vest absolutely in the acquiring authority and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until those rights have been extinguished by

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payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into court.

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

- C15** Sch. 4 para. 2(3) modified (31.3.1994) by 1994 c. iv, s. 17 Sch. 2 para. 3
- C16** Sch. 4 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. 4 para. 2(3) applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 23(3), Sch. 4 para. 6(d)

*Compensation for common land not held of a manor*

- 3 The compensation in respect of any of the land subject to compulsory purchase, being common land, or in the nature thereof, the right to the soil of which belongs to the commoners, as well as the compensation in respect of the commonable and other rights in or over common land the right in the soil of which does not belong to the commoners (other than compensation to the lord of the manor or other party entitled to the soil of common lands in respect of his right in the soil) shall be determined by agreement between the acquiring authority and a committee of the persons entitled to commonable or other rights in the land to be appointed under the following provisions of this Schedule.

*Appointment of committee of commoners*

- 4 (1) The acquiring authority may convene a meeting of the persons entitled to commonable or other rights over or in the land subject to compulsory purchase to be held at some convenient place in the locality for the purpose of appointing a committee to treat with the acquiring authority for the compensation to be paid for the extinction of the commonable or other rights.
- (2) The meeting shall be called by publishing a notice in two consecutive weeks in a newspaper circulating in the county or counties and in the locality in which the land is situated.
- (3) The last of those notices shall be published not more than fourteen or less than seven days before the meeting.
- (4) Notice of the meeting shall also, not less than seven days before the meeting, be affixed on the door of the parish church in the locality where the meeting is to be held, or if there is no such church, at some other place in the locality where notices are usually affixed; and if the land is parcel of or held of a manor, the notice of the meeting shall also be given to the lord of the manor.
- (5) A meeting called under this paragraph may appoint a committee consisting of not more than five of the persons entitled to any such rights, and at such a meeting the decision of the majority of the persons so entitled who are present shall bind the minority and all absent parties.
- (6) In this paragraph “county” includes any riding or other like division of a county, and a county of a city or of a town.

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### *Negotiations with committee*

- 5
- (1) The committee may agree on behalf of themselves and all other parties interested in the commonable and other rights, and all such parties shall be bound by the agreement.
  - (2) The committee may receive the compensation agreed to be paid, and the receipt of the committee, or of any three of them, shall be an effectual discharge for the compensation.
  - (3) The compensation when received shall be apportioned by the committee among the several persons interested, according to their respective interests, and the acquiring authority shall not be bound to see the apportionment or to the application of the compensation, nor shall they be liable for the misapplication or nonapplication of the compensation.
  - (4) If the committee fail to agree with the acquiring authority as to the amount of the compensation it shall be referred to and determined by the [<sup>F13</sup>Upper Tribunal].

#### **Textual Amendments**

**F13** Words in Sch. 4 para. 5(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. 73(a)** (with Sch. 5)

### *Settlement of compensation where no committee is appointed*

- 6
- If there is a failure to hold an effective meeting under paragraph 4 of this Schedule, or if the meeting fails to appoint a committee, the amount of the compensation shall be determined by a surveyor selected from the members of the [<sup>F14</sup>Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].

#### **Textual Amendments**

**F14** Words in Sch. 4 para. 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. 73(b)** (with Sch. 5)

### *Execution of deed poll*

- 7
- (1) On payment or tender to the committee, or any three of them, or if there is no such committee then upon payment into court in the manner provided in the like case, of the compensation agreed or awarded in respect of the commonable or other rights, it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act.
  - (2) On execution of the deed poll the land in respect of which the compensation was paid over, or paid into court, shall vest in the acquiring authority freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof.
  - (3) The High Court may order payment of the compensation paid into court to a committee appointed under this Schedule, or make such other order with respect thereto for the benefit of the parties interested as the High Court thinks fit.

*Status: Point in time view as at 28/11/2014.*

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

- C17** Sch. 4 para. 7(2) modified (31.3.1994) by 1994 c. iv, s. 17 Sch. 2 para. 3
- C18** Sch. 4 para. 7(2) applied (with modifications) (22.10.1991) by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), s. 13, Sch. para.3.
- Sch. 4 para. 7(2) applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 23(3), Sch. 4 para. 6(c)

SCHEDULE 5

Section 23(6).

FORMS OF CONVEYANCE

*General*

I, of, in consideration of the sum of paid to me [or, as the case may be], into court, in the name and with the privity of the Accountant General of the [<sup>F15</sup>Senior Courts], ex parte “the acquiring authority” [naming them], or to A.B., of, and C.D., of, [two trustees appointed to receive the same], pursuant to the [here name the compulsory purchase order], by the [here name the acquiring authority], do hereby convey to the said authority [or other description], and their successors in title, all [describing the premises to be conveyed], and all such estate, right, title, and interest in and to the same as I am or shall become seised or possessed of, or am by the said order empowered to convey to hold the premises to the said authority [for other description], and their successors in title, for ever. In witness, etc.

**Textual Amendments**

- F15** Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 11 para. 4; S.I. 2009/1604, art. 2(d)

*Conveyance on rentcharge*

I, of, in consideration of the rentcharge to be paid to me, and my successors in title as hereinafter mentioned by “the acquiring authority” [naming them], do hereby convey to the said authority [or other description], and their successors in title, all [describing the premises to be conveyed], and all my estate, right, title, and interest in and to the same and every part thereof to hold the said premises to the said authority [or other description], and their successors in title, for ever, they the said authority [or other description], and their successors in title yielding and paying unto me, and my successors in title, one clear yearly rent of, by equal quarterly [or half-yearly, as agreed upon], portions, henceforth, on the [stating the days], clear of all deductions. In witness etc.

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## SCHEDULE 6

Section 38.

### POWERS OF PURCHASING LAND BY AGREEMENT

#### THE <sup>M7</sup>SMALL HOLDINGS AND ALLOTMENTS ACT 1908

##### Marginal Citations

**M7** 1908 c. 36.

In section 38 for the words from “the Land Clauses Acts” to “by agreement” there shall be substituted the words “ the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, subsections (1) to (5) of section 23, and section 31, shall apply ”.

#### THE SALMON AND FRESHWATER FISHERIES ACT 1923

**F16**  
.....

##### Textual Amendments

**F16** Entry relating to Salmon and Freshwater Fisheries Act 1923 repealed by [Salmon and Freshwater Fisheries Act 1975 \(c. 51, SIF 52:2\)](#), [Sch. 5](#)

#### THE LOCAL GOVERNMENT ACT 1933

**F17**  
.....

##### Textual Amendments

**F17** Entry relating to [Local Government Act 1933 \(c. 51\)](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. XVII](#)

#### THE WATER ACT 1945

**F18**  
.....

##### Textual Amendments

**F18** Entry relating to Water Act 1945 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)

#### THE CIVIL AVIATION ACT 1949

**F19**  
.....

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**Textual Amendments**

**F19** Entry relating to Civil Aviation Act 1949 repealed by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), [Sch. 16](#)

THE MINERAL WORKINGS ACT 1951

F20

**Textual Amendments**

**F20** Entry relating to Mineral Workings Act 1951 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), [Sch. 2](#)

THE <sup>M8</sup>PRISON ACT 1952

**Marginal Citations**

**M8** 1952 c. 52.

In section 36(3) for the words from “the Lands Clauses Acts” to the end of the subsection there shall be substituted the words “the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, and section 31, shall apply”.

THE HIGHWAYS ACT 1959

F21

**Textual Amendments**

**F21** Entry relating to Highways Act 1959 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 25](#)

THE TOWN AND COUNTRY PLANNING ACT 1962

F22

**Textual Amendments**

**F22** Sch. 6 (in part) repealed by [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 25](#)

THE <sup>M9</sup>AIRPORTS AUTHORITY ACT 1965

**Marginal Citations**

**M9** 1965 c. 16.

In section 17(2) for the words from “the Lands Clauses Acts” to the end of the subsection there shall be substituted the words “the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27, and section 31, shall apply”.

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## SCHEDULE 7

Section 39(3).

### CONSEQUENTIAL AMENDMENTS OF REFERENCES TO ENACTMENTS RE-ENACTED IN THIS ACT

#### M10 THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845

##### Marginal Citations

M10 1845 c. 20.

In section 6 as incorporated in any Act, or in any provision having effect under any Act, whether passed or made before or after the passing of this Act, for the words from “in the manner provided” to the end of the section there shall be substituted the words “by the [<sup>F23</sup>Upper Tribunal] ” and in section 78 (as originally enacted, and so incorporated) for the words “the same shall be settled as in other cases of disputed compensation” there shall be substituted the words “ the question shall be referred to and determined by the [<sup>F23</sup>Upper Tribunal]”.

##### Textual Amendments

F23 Words in [Sch. 7](#) 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. 74](#) (with [Sch. 5](#))

#### THE COMMONS ACT 1899

F24

##### Textual Amendments

F24 [Sch. 7](#) entry relating to [Commons Act 1899](#) repealed (1.10.2006 for E., 6.9.2007 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 2](#) (with s. 60); [S.I. 2006/2504](#), art. 2(i)

#### THE AGRICULTURE ACT 1947

F25

##### Textual Amendments

F25 [Sch. 7](#) entry relating to [Agriculture Act 1947](#) repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(3), [Sch. 6 Pt. I](#)

#### THE LANDLORD AND TENANT ACT 1954

F26

##### Textual Amendments

F26 [Sch. 7](#) entry relating to [Landlord and Tenant Act 1954 \(c. 56\)](#) repealed by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), [Sch. 3](#)



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THE HOUSING ACT 1957

F27

**Textual Amendments**  
**F27** Sch. 7 entry relating to Housing Act 1957 repealed by [Housing \(Consequential Provisions\) Act 1985](#) (c. 71, SIF 61), s. 3, [Sch. 1 Pt. I](#)

<sup>M11</sup>THE LAND COMPENSATION ACT 1961

**Marginal Citations**  
**M11** 1961 c. 33.

In section 19(1) the reference to section 58 of the Lands Clauses Consolidation Act 1845 includes a reference to Schedule 2 to this Act.

THE TOWN AND COUNTRY PLANNING ACT 1962

F28

**Textual Amendments**  
**F28** Sch. 7 entry relating to Town and Country Planning Act 1962 repealed by [Town and Country Planning Act 1971](#) (c. 78), [Sch. 25](#)

REFERENCES TO SECTIONS 63 AND 68 OF LANDS CLAUSES CONSOLIDATION ACT 1845

References to section 63 or section 68 of the Lands Clauses Consolidation Act 1845 in any enactment shall include references to section 7 or, as the case may be, section 10 of this Act.

SCHEDULE 8

Section 39(4).

REPEALS

PART I

ENACTMENTS CONSOLIDATED

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 59.	The Land Settlement Facilities Act 1919.	Section 12(3).
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	Section 17(1).

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8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 2, in paragraph 1, sub-paragraph (a) and (b), and in paragraph 2 the words “the Land Clauses Acts and” and sub-paragraph (b).
9 & 10 Geo. 6. c. 49	The Acquisition of Land (Authorisation Procedure) Act 1946.	<p>In section 1(3), the words “Land Clauses Acts and other” and the words “I and” in both places.</p> <p>In Schedule 2, Part I except for paragraph 1 (a) as applied by paragraph 7(2) of that Schedule.</p> <p>In Schedule 4, in the entry amending the Land Settlement Facilities Act 1919 the words “In section 12, subsection (3) shall not apply to land purchased compulsorily” .</p>
11 & 12 Geo. 6. c. 22.	The Water Act 1948.	In the Schedule, in paragraph 1, the words from the beginning to “those Acts and”, the words “I and” and the proviso, and paragraph 8(2).
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	<p>In Schedule 1, paragraph 1(2).</p> <p>In Schedule 3, paragraph 7(1) (a) and sub-paragraphs (1) to (4), (6) and (8) of paragraph 8, and paragraph 9.</p> <p>In Schedule 7, paragraph 1(2).</p>
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	<p>In section 75(7), the words from “by the Second” to “1946 and” .</p> <p>In section 86(6) the words from “(notwithstanding” to “1946” .</p> <p>In Schedule 4, paragraph 6(3).</p>
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	In Schedule 3, paragraphs 1 and 2.
1963 c. 38.	The Water Resources Act 1963.	In Schedule 8, paragraph 12(1)(2)(3).

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1964 c. 56.

The Housing Act 1964.

Section 59(3).

The repeals in this Part of this Schedule do not apply—

- (a) in relation to a compulsory purchase order confirmed before the commencement of this Act under Part I of Schedule 1 to the Act of 1946 or section 24 of the <sup>M12</sup>Water Act 1945 or Part III of the <sup>M13</sup>Housing Act 1957, or
- (b) in relation to a compulsory purchase order made before the commencement of this Act under Part II of Schedule 1 to the Act of 1946, or section 9 or section 23 of the Water Act 1945 or section 67 of the <sup>M14</sup>Water Resources Act 1963, or section 11 of the <sup>M15</sup>Pipeline Act 1962, or
- (c) in relation to a notice served under section 59 of the <sup>M16</sup>Housing Act 1964 before the commencement of this Act.

#### Marginal Citations

- M12 1945 c. 42.
- M13 1957 c. 56.
- M14 1963 c. 38.
- M15 1962 c. 58.
- M16 1964 c. 56.

#### Marginal Citations

- M12 1945 c. 42.
- M13 1957 c. 56.
- M14 1963 c. 38.
- M15 1962 c. 58.
- M16 1964 c. 56.

## PART II

### SPENT PROVISIONS IN LANDS CLAUSES CONSOLIDATION ACT 1845

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18.	The Land Clauses Consolidation Act 1845.	In section 7 the words from “married women” where they first occur to “idiots” where that word first occurs, the words “any estate in dower or to”, the words “for life, or for lives and years, or”, the words “married women entitled to dower or”, the words “for life or for lives and years or”, the words from “and as to such married women” to the word

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“disability” (before the words  
“and as to such trustees”).

In section 8 the words from  
the beginning to “as well as”  
and the word “other”.

In section 69 the words from  
“married woman” to “idiot”.

In section 70 the words from  
first “three” to “annuities or  
in”.

In section 71 the words  
“coverture, infancy, lunacy  
or other” and the words  
“husbands, guardians,  
committees or”.

In section 72 the words  
“coverture, infancy, lunacy  
or other” and the words  
“husbands, guardians,  
committees or”.

In section 74 the words from  
first “a life” to “lives and”.

In section 77 the words from  
“the Cashier” to “been paid in  
and”.

In section 81 the words from  
“to merge” to “conveyed  
and” and the words from “but  
although” to the end of the  
section.

In section 87 the words “bank  
annuities or”.

Section 88.

The enacting words prefacing  
sections 95 to 98, and those  
sections.

In the enacting words  
prefacing sections 115 to 118  
the words “or chief or other  
rent”.

In section 116 the words  
“chief or other rent”.

In section 117 the words  
“chief or other rent”.

Section 139.

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Section 143.

Section 147.

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The repeals in this Part of this Schedule take effect as from the expiration of a period of one month beginning with the passing of this Act, and extend to the provisions of the Act of 1845 as incorporated in any other Act or provision having effect under an Act.

### PART III

#### PROVISIONS SUPERSEDED BY LANDS TRIBUNAL ACT 1949 AND LAND COMPENSATION ACT 1961

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18	The Land Clauses Consolidation Act 1845.	<p>In section 21 the word “hereinafter”.</p> <p>Section 22 except as applied by section 30 of the Railways Clauses Consolidation Act 1845.</p> <p>Sections 23 to 57.</p> <p>In section 58 the words from “or who shall” to “notice thereof” and the words from “as two” to the end of the section.</p> <p>In section 59 from the beginning to “as aforesaid and”.</p> <p>In section 68 the words “and if the compensation claimed in such case shall exceed the sum of fifty pounds” and the words from “either” to the end of the section.</p> <p>In section 76 the words “or fail to appear on the inquiry before a jury as herein provided for”.</p> <p>In section 106 the words from “to be appointed” to the end of the section.</p> <p>In section 121 the words from “and the amount” to “differ about the same”.</p> <p>Section 145.</p>

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10 & 11 Vict. c. 27.	The Harbours, Docks and Piers Clauses Act 1847.	In section 6 the words from “and except where” to “provided by”, the words from “for determining” to “last mentioned Acts” and the words “and to enforcing the payment or other satisfaction thereof”.
46 & 47 Vict. c. 15.	The Lands Clauses (Umpire) Act 1883.	The whole Act.
58 & 59 Vict. c. 11.	The Lands Clauses (Taxation of Costs) Act 1895.	The whole Act.
12, 13 & 14 Geo. 6. c. 27.	The Juries Act 1949.	Section 12 In section 18(1) proviso (a).
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act 1949.	In section 1, in subsection (3) (c) the words “on an acquisition by any such authority”, and in subsection (6) the words from “instead of” to “therewith”.

The repeals in this Part of this Schedule take effect as from the expiration of a period of one month beginning with the passing of this Act and those in the <sup>M17</sup>Lands Clauses Consolidation Act 1845, and the <sup>M18</sup>Harbours, Docks and Piers Clauses Act 1847 extend to the provisions of those Acts as incorporated in any Act or provision passed or made after the passing of this Act.

**Marginal Citations**

**M17** 1845 c. 18.

**M18** 1847 c. 27.

**Status:**

Point in time view as at 28/11/2014.

**Changes to legislation:**

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