



Compulsory Purchase Act 1965

1965 CHAPTER 56

PART I

COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

Compulsory Purchase

8 Other provisions as to divided land.

- (1) No person shall be required to sell a part only—
- (a) of any house, building or manufactory, or
 - (b) of a park or garden belonging to a house,
- if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the [^{F1}Upper Tribunal] determines that—
- (i) in the case of a house, building or manufactory the part proposed to be acquired can be taken without material detriment to the house, building or manufactory, or
 - (ii) in the case of a park or garden, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house,
- and, if the [^{F1}Upper Tribunal][^{F2}so determines], the [^{F1}Upper Tribunal] shall award compensation in respect of any loss due to the severance of the part proposed to be acquired, in addition to its value; and thereupon the party interested shall be required to sell to the acquiring authority that part of the house, building, manufactory, park or garden.
- (2) If any land which is not situated in a town or built upon is cut through and divided by the works so as to leave, either on both sides of the works, or on one side, a quantity of land which is less than half an acre, the owner of the land may require the acquiring authority to purchase the land along with the land subject to compulsory purchase: Provided that this subsection shall not apply if the owner has other land adjoining the land so left into which it can be thrown so as to be conveniently occupied with it, and in that case the acquiring authority shall, if so required by the owner, at their own expense

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throw the piece of land so left into the adjoining land by removing the fences and levelling the sites thereof, and by soiling it in a satisfactory and workmanlike manner.

(3) If the owner of any land cut through and divided by the works requires the acquiring authority under the provisions of the special Act to make any bridge, culvert or other communication between the land so divided, and—

- (a) the land is so cut through and divided as to leave, either on both sides or on one side, a quantity of land which is less than half an acre, or which is of less value than the expense of making the communication between the divided land, and
- (b) the owner has not other land adjoining that piece of land,

the acquiring authority may require the owner to sell them the piece of land.

Any dispute as to the value of the piece of land, or as to the expense of making a communication between the divided land shall be determined by the [^{F3}Upper Tribunal], and either party to proceedings for determining the compensation to be paid for the land acquired may require the [^{F3}Upper Tribunal] to make [^{F4}its determination] under this subsection in those proceedings.

Textual Amendments

- F1** Words in s. 8(1) 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. 62(b)** (with Sch. 5)
- F2** Words in s. 8(1) 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. 62(a)** (with Sch. 5)
- F3** Words in s. 8(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. 62(b)** (with Sch. 5)
- F4** Words in s. 8(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. 62(c)** (with Sch. 5)

Modifications etc. (not altering text)

- C1** S. 8 modified (31.3.1994) by [British Railways Act 1994 \(c. iv\)](#), s. 17, **Sch. 2 para. 2**
S. 8 modified (1.3.1995) by [Barking Barrage Order 1995 \(S.I. 1995/519\)](#), art. 23(2), **Sch. 4 para. 5**
- C2** S. 8(1) amended by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), **s. 58(1)**
- C3** S. 8(1) excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. 8(1), **Sch. 1 para. 2(3)**
S. 8 applied (with modifications) (22.10.1991) by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\)](#), ss.3(1)(2), 13, **Sch. para. 2** (with s. 14(3)(e))
S. 8(1) restricted (18.6.1992) by [British Railways \(No. 2\) Act 1992 \(c. xi\)](#), **s. 30(1)** (with ss. 34, 45).
S. 8(1) excluded (13.2.1992) by [British Railways Act 1992 \(c. i\)](#), **s. 23(1)** (with ss. 27, 34).
S. 8(1) excluded (16.3.1992) by [Aire and Calder Navigation Act 1992 \(c. iv\)](#), **s. 25(1)** (with s. 38)
s. 8(1) excluded (27.7.1993) by [1993 Leeds Supertram Act 1993 \(c. xv\)](#), **s. 28(1)** (with s. 44)
S. 8(1) excluded (21.7.1994) by [Greater Nottingham Light Rapid Transit Act 1994 \(c. xv\)](#), **s. 29(1)**
S. 8(1) excluded (18.12.1996) by [Channel Tunnel Rail Link Act 1996 \(c. 61\)](#), s. 4, **Sch. 4 Pt. III para. 6(4)**
S. 8(1) excluded (10.2.1997) by [London Underground \(East London Line Extension\) Order 1997 \(S.I. 1997/264\)](#), **art. 23(1)**
S. 8(1) excluded (21.5.1997) by [Greater Manchester \(Light Rapid Transit System\) \(Airport Extension\) Order 1997 \(S.I. 1997/1266\)](#), **arts. 25, 32(1)**
S. 8(1) excluded (24.12.1999) by [Knowsley Industrial Park \(Rail Terminal\) Order 1999 \(S.I. 2000/428\)](#), **art. 16**
S. 8(1) excluded (2.3.2001) by [Greater Manchester \(Light Rapid Transit System\) \(Trafford Park\) Order 2001 \(S.I. 2001/1367\)](#), **art. 12(1)**

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- S. 8(1) excluded (22.3.2001) by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001 (S.I. 2001/1451), **art. 12(2)**
- S. 8(1) excluded (18.7.2001) by Railtrack (Shortlands Junction) Order 2001 (S.I. 2001/2870), **art. 18(1)**
- S. 8(1) excluded (29.3.2001) by Leeds Supertram (Land Acquisition and Road Works) Order 2001 (S.I. 2001/1348), **art. 8(1)**
- C4** S. 8(1) excluded (8.10.2005) by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **21**
- C5** S. 8(1) modified (12.1.2007) by Network Rail (West Coast Main Line) (Stowe Hill) Order 2006 (S.I. 2006/3471), arts. 1, **7**
- C6** S. 8(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 6 para. 11(3)(a)**
- C7** S. 8(1) restricted (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 23(1)**
- C8** S. 8(1) excluded (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **20(1)** (with art. 30)
- C9** S. 8(1) excluded (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **21(1)** (with arts. 27(2), 39, Sch. 10 para. 4)
- C10** S. 8(1) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), **arts. 1, 41(1)**

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