

## THE PROPOSED NETWORK RAIL (SUFFOLK LEVEL CROSSING REDUCTION) ORDER

### LEGAL BUNDLE

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Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Part I ORDERS AUTHORISING WORKS ETC**  
**Power to make orders**

This version in force from: **March 1, 2010 to present**

⏮ ⏪ (version 2 of 2) ⏩ ⏭

**1.— Orders as to railways tramways etc.**

(1) The Secretary of State may make an order relating to, or to matters ancillary to, the construction or operation of a transport system of any of the following kinds, so far as it is in England and Wales—

- (a) a railway;
- (b) a tramway;
- (c) a trolley vehicle system;
- (d) a system using a mode of guided transport prescribed by order made under section 2 below.

[

(1A) Subsection (1) is subject to—

- (a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);
- (b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).

] <sup>1</sup>

(2) The power to make orders under this section shall be exercisable by statutory instrument.

**Notes**

1. Added by Planning Act 2008 c. 29 Sch.2 para.52 (March 1, 2010)

**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport**Keywords:** Transport and works orders; Transport policyStatus: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Part I ORDERS AUTHORISING WORKS ETC**  
**Power to make orders**

This version in force from: **March 1, 2010 to present**

⏮ ⏪ (version 2 of 2) ⏩ ⏭

**3.— Orders as to inland waterways etc.**

(1) The Secretary of State may make an order relating to, or to matters ancillary to—

- (a) the construction or operation of an inland waterway in England and Wales;
- (b) the carrying out of works which—
  - (i) interfere with rights of navigation in waters within or adjacent to England and Wales, up to the seaward limits of the territorial sea, and
  - (ii) are of a description prescribed by order made under section 4 below.

[

(1A) Subsection (1) is subject to—

- (a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);

(b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).

1<sup>1</sup>

(2) The Secretary of State shall not make an order under this section if in his opinion the primary object of the order could be achieved by means of an order under the Harbours Act 1964.

(3) The power to make orders under this section shall be exercisable by statutory instrument.

## Notes

1. Added by Planning Act 2008 c. 29 Sch.2 para.53 (March 1, 2010)

## Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1
Pt I s. 3	Modified in relation to special forces drivers using vehicles in response to a national security emergency or whilst being trained or practising to do so by Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011/935, reg. 2(2)(b)

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**Subject:** Transport

**Keywords:** Inland waterways; Ministers' powers and duties; Transport and works orders

Status: ☒ Law In Force

### Transport and Works Act 1992 c. 42 Part I ORDERS AUTHORISING WORKS ETC Power to make orders

This version in force from: **July 2, 2012 to present**

  (version 2 of 2)  

#### 5.— Subject-matter of orders under sections 1 and 3.

(1) Without prejudice to the generality of sections 1 and 3 above, the matters as to which provision may be made by an order under either of those sections include those set out in Schedule 1 to this Act.

(2) An order under section 1 or 3 above may make provision in relation to more than one scheme, system or mode of transport.

(3) An order under section 1 or 3 above may—

(a) apply, modify or exclude any statutory provision which relates to any matter as to which an order could be made under section 1 or, as the case may be, 3, and

(b) make such amendments, repeals and revocations of statutory provisions of local application as appear to the Secretary of State to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order;

and for the purposes of this subsection "*statutory provision*" means provision of an Act of Parliament or of an instrument made under an Act of Parliament.

(4) The provisions that may be made by an order under section 1 or 3 above include—

(a) any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to—

(i) any other provision of the order,

(ii) any provision of an earlier order under the section concerned, or

(iii) any provision which is contained in an Act of Parliament passed before the time when this Part of this Act is first wholly in force, or in an instrument made under an Act of Parliament before that time, and which is of a kind which could be included in an order under section 1 or 3 above;

(b) such supplemental and transitional provisions as appear to him to be necessary or expedient in connection with the order.

(5) A provision of an order under section 1 or 3 above relating to offences shall not authorise the imposition on persons convicted of an offence of a term of imprisonment or of a fine exceeding level 3 on the standard scale.

(6) An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied—

(a) that an alternative right of way has been or will be provided, or

(b) that the provision of an alternative right of way is not required.

(7) Where an order under sections 104(3), 105(3) or 112 of the Transport Act 1968 (classification and maintenance of [Canal & River Trust's] <sup>1</sup> waterways, and maintenance and use of other waterways) is required so as to give effect to any proposal, no provision shall be included in an order under section 1 or 3 above which would—

(a) remove that requirement, or

(b) alter the requirements of sections 104, 105 or 112 of, or Schedule 13 to, that Act relating to orders under those sections.

#### Notes

1. Words substituted by British Waterways Board (Transfer of Functions) Order 2012/1659 Sch.3(1) para.12(2) (July 2, 2012 subject to transitional provisions and savings specified in SI 2012/1659 arts 5 and 6)

#### Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Inland waterways; Public transport; Subject matter; Transport and works orders

Status: ☒ Law In Force

#### Transport and Works Act 1992 c. 42

#### Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3

This version In force from: **January 1, 1993 to present**

 (version 1 of 1) 

#### 1.

The construction, alteration, repair, maintenance, demolition and removal of railways, tramways, trolley vehicle systems and other transport systems within section 1(1) of this Act, waterways, roads, watercourses, buildings and other structures.

#### Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Demolition; Maintenance; Remedial works; Removal; Transport

Status: ☒ Law In Force

#### Transport and Works Act 1992 c. 42

#### Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3

This version In force from: **January 1, 1993 to present**

 (version 1 of 1) 

#### 2.

The carrying out of any other civil engineering or other works.

#### Modifications

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**Subject:** Transport

**Keywords:** Engineering operations; Performance

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**

**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

3.

The acquisition of land, whether compulsorily or by agreement.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified In relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Real property **Other related subjects:** Transport

**Keywords:** Acquisition of land; Agreements; Compulsory purchase

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**

**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

4.

The creation and extinguishment of rights over land (including rights of navigation over water), whether compulsorily or by agreement.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Real property **Other related subjects:** Transport

**Keywords:** Creation; Extinguishment; Proprietary rights

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**

**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

5.

The abrogation and modification of agreements relating to land.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Agreements; Amendments; Annulment; Real property

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**

**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

6.

The conferring on persons providing transport services of rights to use systems belonging to others.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Transport

**Keywords:** Public services; Public transport

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**

**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

7.

The protection of the property or interests of any person.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Proprietary rights

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**

**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

8.

The imposition and exclusion of obligations or of liability in respect of any acts or omissions.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Exclusion; Liabilities; Offences

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

9.

The making of agreements to secure the provision of police services.

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**Modifications**

Whole Document	Modified In relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified In relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Agreements; Police service

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

10.

The carrying out of surveys and the taking of soil samples.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified In relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Samples; Surveys

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

11.

The payment of compensation.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Transport

**Keywords:** Compensation; Payments

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version In force from: **January 1, 1993 to present**

  (version 1 of 1)  

12.

The charging of tolls, fares (including penalty fares) and other charges, and the creation of summary offences in connection with non-payment (or in connection with a person's failure to give his name or address in accordance with provisions relating to penalty fares).

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Transport

**Keywords:** Charges; Fares; Non-payment; Payments; Tolls

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version In force from: **January 1, 1993 to present**

  (version 1 of 1)  

13.

The making of byelaws by any person and their enforcement, including the creation of summary offences.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Byelaws; Creation; Enforcement; Summary offences

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version In force from: **January 1, 1993 to present**

  (version 1 of 1)  

14.

The payment of rates.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Transport

**Keywords:** Payments; Rates

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

15.

The transfer, leasing, discontinuance and revival of undertakings.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Transport

**Keywords:** Discontinuance; Leasing; Revival; Transfer; Undertakings

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

16.

The submission of disputes to arbitration.

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**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 2 para. 1

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**Subject:** Transport

**Keywords:** Arbitration

Status: ☒ Law In Force

**Transport and Works Act 1992 c. 42**  
**Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3**

This version in force from: **January 1, 1993 to present**

  (version 1 of 1)  

17.

The imposition of requirements to obtain the consent of the Secretary of State.

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**Modifications**



Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Transport



**Keywords:** Consent; Secretaries of State

Westlaw<sup>UK</sup>










Status:  Law In Force /  Amendment(s) Pending

**Town and Country Planning Act 1990 c. 8**

**Part III CONTROL OVER DEVELOPMENT**

**Deemed planning permission**

This version in force from: **September 6, 2015 to present**

  (version 6 of 8) 

**90.— Development with government authorisation.**

(1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority [ or National Park authority] <sup>1</sup>, or by statutory undertakers who are not a local authority [ or National Park authority] <sup>1</sup>, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

[

(2) On granting or varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

- (a) so much of the operation or change of use to which the consent relates as constitutes development;
- (b) any development ancillary to the operation or change of use to which the consent relates.

(2ZA) On varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State may give one or more of the following directions (instead of, or as well as, a direction under subsection (2))—

- (a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2) (whenever made) to be varied as specified in the direction;
- (b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction;
- (c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.

] <sup>2</sup>

[

(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

] <sup>3</sup>

(3) The provisions of this Act (except [Part] <sup>4</sup>XII) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under section 77 [ (so that section 71ZA applies as if references to the decision notice were to the direction)] <sup>5</sup>.

(4) For the purposes of this section development is authorised by a government department if—

- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment;
- (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;
- (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;
- (d) authority is given by the department—
  - (i) for the borrowing of money for the purpose of the development, or
  - (ii) for the application for that purpose of any money not otherwise so applicable; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants;

and references in this section to the authorisation of a government department shall be construed accordingly.

[

(5) In subsection (2), the reference to ancillary development, in the case of a consent relating to the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station.

(6) In this section, references to England or Wales include—

(a) waters adjacent to England or Wales up to the seaward limits of the territorial sea, and

(b) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

(7) In this section "*electric line*", "*extension*", "*generating station*" and "*Renewable Energy Zone*" have the same meanings as in Part 1 of the Electricity Act 1989.

]

#### Notes

1. Words inserted by Environment Act 1995 c. 25 Sch.10 para.32(4) (November 23, 1995)
2. S.90(2) and (2ZA) substituted for s.90(2) by Growth and Infrastructure Act 2013 c. 27 s.21(2) (July 31, 2013)
3. Added by Transport and Works Act 1992 c. 42 Pt I s.16(1) (January 1, 1993)
4. Substituted by Planning and Compensation Act 1991 c. 34 Sch.6 para.12 (September 25, 1991 subject to transitional provisions specified in SI 1991/2067 Sch.2 Part II)
5. Words inserted by Planning (Wales) Act 2015 anaw. 4 Pt 6 s.33(3) (September 6, 2015 for the purposes of enabling the Welsh Ministers to exercise any function of making regulations or orders by statutory instrument under any enactment as amended by 2015 anaw 4 Pts 3-8; March 1, 2016 in relation to developments of national significance and secondary consents; March 16 subject to transitional provisions specified in SI 2016/52 art.12 otherwise)
6. S.90(5)-(7) substituted for s.90(5) by Growth and Infrastructure Act 2013 c. 27 s.21(3) (July 31, 2013)

#### Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to Directive waste by Waste Management Licensing Regulations 1994/1056, Sch. 4(I) para. 11
Pt III	Modified in relation to development to which SI 1992/1492 reg.3 applies by Town and Country Planning General Regulations 1992/1492, reg. 6
Pt III s. 90	Modified for the purposes of application of the legislation to the Isles of Scilly by Town and Country Planning (Isles of Scilly) Order 2005/2085, art. 4(1)(a)
	Modified in relation to the Isles of Scilly by Town and Country Planning (Isles of Scilly) Order 2013/2148, Sch. 2 para. 1, art. 4

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**Subject:** Planning

**Keywords:** Authorisation; Deemed consent; Development; Electricity lines; Government departments; Planning permission; Power stations

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**Planning and Compulsory Purchase Act 2004 c. 5**

**Part 3 DEVELOPMENT**

**Development plan**

This version in force from: **July 19, 2017** to **present**

  (version 5 of 6)  

**38 Development plan**

(1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2) to (5).

(2) For the purposes of any area in Greater London the development plan is—

- (a) the spatial development strategy, [...] <sup>1</sup>
- (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area [, and] <sup>1</sup>
- [
- (c) the neighbourhood development plans which have been made in relation to that area.
- ] <sup>1</sup>

(3) For the purposes of any other area in England the development plan is—

- (a) the [regional strategy] <sup>2</sup> for the region in which the area is situated [ (if there is a regional strategy for that region)] <sup>3</sup>, [...] <sup>4</sup>
- (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area [, and] <sup>4</sup>
- [
- (c) the neighbourhood development plans which have been made in relation to that area.
- ] <sup>4</sup>

[

(3A) For the purposes of any area in England (but subject to subsection (3B)) a neighbourhood development plan which relates to that area also forms part of the development plan for that area if—

- (a) section 38A(4)(a) (approval by referendum) applies in relation to the neighbourhood development plan, but
- (b) the local planning authority to whom the proposal for the making of the plan has been made have not made the plan.

(3B) The neighbourhood development plan ceases to form part of the development plan if the local planning authority decide under section 38A(6) not to make the plan.

] <sup>5</sup>

(4) For the purposes of any area in Wales the development plan is the local development plan adopted or approved in relation to that area.

(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan] <sup>6</sup>.

(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

(7) The enactments are—

- (a) this Act;
- (b) the planning Acts;
- (c) any other enactment relating to town and country planning;
- (d) the Land Compensation Act 1961 (c. 33);
- (e) the Highways Act 1980 (c. 66).

(8) In subsection (5) references to a development plan include a development plan for the purposes of paragraph 1 of Schedule 8.

[

(9) Development plan document must be construed in accordance with section 37(3).

] <sup>2</sup>

[

(10) Neighbourhood development plan must be construed in accordance with section 38A.

## Notes

1. Added by Localism Act 2011 c. 20 Sch.9(2) para.6(a) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)
2. Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Pt 5 s.82(1) (April 1, 2010)
3. Words inserted by Localism Act 2011 c. 20 Sch.8 para.13(1) (November 15, 2011)
4. Added by Localism Act 2011 c. 20 Sch.9(2) para.6(b) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)
5. Added by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.3 (July 19, 2017)
6. Words substituted by Localism Act 2011 c. 20 Sch.9(2) para.6(c) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)
7. Added by Planning Act 2008 c. 29 Pt 9 c.2 s.180(7) (April 6, 2009 in relation to England and Wales)
8. Added by Localism Act 2011 c. 20 Sch.9(2) para.6(d) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)

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**Subject:** Planning

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### Planning and Compulsory Purchase Act 2004 c. 5

#### Part 3 DEVELOPMENT

#### Development plan

This version in force from: **January 31, 2018 to present**

  (version 3 of 3)  

#### [ 38A Meaning of "neighbourhood development plan"

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.
- (2) A "*neighbourhood development plan*" is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.
- (3) Schedule 4B to the principal Act, which makes provision about the process for the making of neighbourhood development orders, including—
  - (a) provision for independent examination of orders proposed by qualifying bodies, and
  - (b) provision for the holding of referendums on orders proposed by those bodies,
 is to apply in relation to neighbourhood development plans (subject to the modifications set out in section 38C(5) of this Act).
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made—
  - (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and
  - (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held [ and, in any event, by such date as may be prescribed] <sup>2</sup>.
- (5) If—
  - (a) there are two applicable referendums under that Schedule as so applied (because the plan relates to a neighbourhood area designated as a business area under section 61H of the principal Act), and
  - (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan,
 the authority may (but need not) make a neighbourhood development plan to which the proposal relates.
- (6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

(7) Regulations made by the Secretary of State may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (6).

(8) The regulations may in particular make provision—

- (a) for the holding of an examination,
- (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
- (c) as to the award of costs by the examiner,
- (d) as to the giving of notice and publicity,
- (e) as to the information and documents that are to be made available to the public,
- (f) as to the making of reasonable charges for anything provided as a result of the regulations,
- (g) as to consultation with and participation by the public, and (h) as to the making and consideration of representations (including the time by which representations must be made).

(9) The authority must publish in such manner as may be prescribed—

- (a) their decision to act under subsection (4) or (6),
- (b) their reasons for making that decision, and
- (c) such other matters relating to that decision as may be prescribed.

(10) The authority must send a copy of the matters required to be published to—

- (a) the qualifying body that initiated the process for the making of the plan, and
- (b) such other persons as may be prescribed.

(11) If a neighbourhood development plan is in force in relation to a neighbourhood area—

- (a) a qualifying body may make a proposal for the existing plan to be replaced by a new one, and
- (b) the process for the making of the replacement plan is the same as the process for the making of the existing plan.

[

(11A) Subsection (11) is subject to Schedule A2, which makes provision for the modification of a neighbourhood development plan.

] <sup>2</sup>

[

(11B) Subsection (11C) applies if, as a result of a modification of a neighbourhood area under section 61G(6) of the principal Act, a neighbourhood development plan relates to more than one neighbourhood area.

(11C) The replacement of the plan by a new plan in relation to one or some of those areas does not affect the continuation in force of the plan in relation to the other area or areas.

] <sup>4</sup>

(12) For the purposes of this section—

*"local planning authority"* has the same meaning as it has in Part 2 (see section 37), but the Broads Authority are to be the only local planning authority for the Broads,

*"neighbourhood area"* has the meaning given by sections 61G and 61I(1) of the principal Act,

*"prescribed"* means prescribed by regulations made by the Secretary of State, and

*"qualifying body"* means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the principal Act, as applied by section 38C of this Act.

] <sup>1</sup>

## Notes

1. Added by Localism Act 2011 c. 20 Sch.9(2) para.7 (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j)); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)
2. Words inserted by Housing and Planning Act 2016 c. 22 Pt 6 s.140(3) (May 12, 2016)
3. Added by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.4(5) (January 31, 2018: 2017 c.20 s.4 came into force on April 27, 2017 for the limited purpose of making regulations; January 31, 2018 otherwise)
4. Added by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.5(6) (January 31, 2018)

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**Planning and Compulsory Purchase Act 2004 c. 5**

**Part 3 DEVELOPMENT**

**Development plan**

This version in force from: **January 31, 2018 to present**

 (version 2 of 2) 

[  
**38B Provision that may be made by neighbourhood development plans**

(1) A neighbourhood development plan—

- (a) must specify the period for which it is to have effect,
- (b) may not include provision about development that is excluded development, and
- (c) may not relate to more than one neighbourhood area.

(2) Only one neighbourhood development plan may be made for each neighbourhood area.

[  
(2A) Subsections (1)(c) and (2) are subject to section 61G(6D) of the principal Act (as applied by section 38C(5A) of this Act).

] <sup>2</sup>

(3) If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

(4) Regulations made by the Secretary of State may make provision—

- (a) restricting the provision that may be included in neighbourhood development plans about the use of land,
- (b) requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
- (c) prescribing the form of neighbourhood development plans.

(5) A local planning authority must publish each neighbourhood development plan that they make in such manner as may be prescribed by regulations made by the Secretary of State.

(6) Section 61K of the principal Act (meaning of "excluded development") is to apply for the purposes of subsection (1)(b).

] <sup>1</sup>

**Notes**

1. Added by Localism Act 2011 c. 20 Sch.9(2) para.7 (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j)); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)
2. Added by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.5(7) (January 31, 2018)

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**Planning and Compulsory Purchase Act 2004 c. 5**

**Part 3 DEVELOPMENT**

**Development plan**

This version in force from: **January 31, 2018 to present**

 (version 2 of 2) 

[  
**38C Supplementary provisions**

(1) The following provisions of the principal Act are to apply in relation to neighbourhood development plans.

(2) The provisions to be applied are—

- (a) section 61F (authorisation to act in relation to neighbourhood areas),
- (b) section 61I(2) and (3) (neighbourhood areas in areas of two or more local planning authorities),
- (c) section 61M (revocation or modification of neighbourhood development orders),
- (d) section 61N (legal challenges),
- (e) section 61O (guidance), and
- (f) section 61P (provision as to the making of certain decisions by local planning authorities).

[

(2A) Section 61F of the principal Act is to apply in accordance with subsection (2) of this section as if—

- (a) subsections (8)(a) and (8B) also referred to a proposal for the modification of a neighbourhood development plan,
- (b) subsection (13)(b) also referred to a proposal for the modification of a neighbourhood development plan made by a neighbourhood forum, and
- (c) subsection (13)(c) also referred to any duty of a local planning authority under paragraph 7, 8 or 9 of Schedule A2 to this Act.

] <sup>2</sup>

(3) Section 61M of the principal Act is to apply in accordance with subsection (2) of this section as if [—] <sup>3</sup>

[

- (a) the words “by order” (wherever occurring) were omitted, and
- (b) the reference in subsection (4A) to a modification materially affecting any planning permission granted by the order were to a modification materially affecting the policies in the plan.

] <sup>3</sup>

(4) Section 61N(1) of the principal Act is to apply in accordance with subsection (2) of this section as if the reference to section 61E(4) or (8) of that Act were a reference to section 38A(4) or (6) of this Act.

(5) Schedule 4B to the principal Act is to apply in accordance with 38A(3) of this Act with the following modifications—

- (a) the reference to section 61E(8) of the principal Act is to be read as a reference to section 38A(6) of this Act,
- (b) references to the provision made by or under sections 61E(2), 61J and 61L of the principal Act are to be read as references to the provision made by or under sections 38A and 38B of this Act,
- (c) references to section 61L(2)(b) or (5) of the principal Act are to be disregarded, and
- (d) paragraph 8 is to have effect as if sub-paragraphs (2)(b) and (c) and (3) to (5) were omitted.

[

(5A) Section 61G(6D) of the principal Act is to apply in relation to neighbourhood development plans as if it also provided that a modification under section 61G(6) of that Act of a designation of a neighbourhood area does not affect the continuation in force of a neighbourhood development plan even though, as a result of the modification, more than one plan has effect for the same area.

] <sup>4</sup>

(6) Regulations under section 61G(11) of the principal Act (designation of areas as neighbourhood areas) may include provision about the consequences of the modification of designations [—] <sup>5</sup>

[

- (a) on proposals for neighbourhood development plans, or on neighbourhood development plans, that have already been made, or
- (b) on proposals for the modification of neighbourhood development plans, or on modifications of neighbourhood development plans, that have already been made.

] <sup>5</sup>

(7) The fact that the list of applied provisions includes section 61N(2) and (3) of the principal Act is not to affect the operation of section 20(2) of the Interpretation Act 1978 in relation to other references to enactments applied in accordance with this section.

] <sup>1</sup>

## Notes

- <sup>1</sup> Added by Localism Act 2011 c. 20 Sch.9(2) para.7 (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j)); April 6, 2012 except for the purpose specified in SI 2012/628 art.8(a) subject to transitional, saving and transitory provisions specified in SI 2012/628 arts 9, 12, 13, 16 and 18-20; August 3, 2012 except for the purpose specified in SI 2012/2029 art.3(a) subject to transitional, saving and transitory provisions specified in SI 2012/2029 art.5; April 6, 2013 otherwise)
- <sup>2</sup> Added by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.4(7) (January 31, 2018; 2017 c.20 s.4 came into force on April 27, 2017 for the limited purpose of making regulations; January 31, 2018 otherwise)

3. Existing words renumbered as s.38C(3)(a) and word and s.38C(3)(b) inserted by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.4(8) (January 31, 2018; 2017 c.20 s.4 came into force on April 27, 2017 for the limited purpose of making regulations; January 31, 2018 otherwise)
4. Added by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.5(8) (January 31, 2018)
5. Existing words renumbered as s.38C(6)(a) and word and s.38C(6)(b) inserted by Neighbourhood Planning Act 2017 c. 20 Pt 1 s.4(9) (January 31, 2018; 2017 c.20 s.4 came into force on April 27, 2017 for the limited purpose of making regulations; January 31, 2018 otherwise)

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Status:  Law In Force

Highways Act 1980 c. 66

## Part II TRUNK ROADS, CLASSIFIED ROADS, METROPOLITAN ROADS, SPECIAL ROADS

## Powers as respects roads that cross or join trunk roads or classified roads

This version in force from: **February 12, 2015 to present** (version 3 of 3) **14.— Powers as respects roads that cross or join trunk or classified roads.**

(1) Provision may be made by an order under this section in relation to a trunk road or a classified road, not being, in either case, a special road, for any of the following purposes:—

(a) for authorising the highway authority for the road—

(i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road;

(ii) to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;

(b) for transferring to such other highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the highway authority in pursuance of the order or any previous order made under this section;

(c) for any other purpose incidental to the purposes aforesaid;

and references in this section, with respect to an order made thereunder, to "*the road*" and "*the highway authority*" are references to, respectively, the trunk road or, as the case may be, classified road to which the order relates and the highway authority for that road.

[

(1A) Subsection (1) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).

] <sup>1</sup>

(2) The provision that may be made pursuant to subsection (1)(c) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—

(a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted; [...] <sup>2</sup>

[...] <sup>2</sup>

(3) An order under this section—

(a) in relation to a trunk road [ for which he is the highway authority] <sup>4</sup> shall be made by the Minister, and

(b) [in any other case] <sup>2</sup> shall be made by the highway authority and confirmed by the Minister.

(4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.

(5) Subject to subsection (4) above, an order under this section relating to a trunk road may come into operation on the same day as the order under section 10 above relating to that road.

(6) No order under this section authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

(7) An order under this section may provide for the payment of contributions—

(a) by the highway authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the order or of any previous order made under this section;

(b) to the highway authority by any other highway authority in respect of any liabilities so imposed on the first-mentioned authority that would otherwise have fallen to be discharged by that other authority;

and may also provide for the determination by arbitration of disputes as to the payment of such contributions.

**Notes**

<sup>1</sup>. Added by Planning Act 2008 c. 29 Sch.2 para.23 (March 1, 2010)

<sup>2</sup>. Word repealed by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)&dash;(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I

<sup>3</sup>.

Repealed by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)&ndash;(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. 1

4. Words inserted by Infrastructure Act 2015 c. 7 Sch.1(1) para.12(a) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
5. Words substituted by Infrastructure Act 2015 c. 7 Sch.1(1) para.12(b) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)

## Modifications

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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## Highways Act 1980 c. 66

### Part II TRUNK ROADS, CLASSIFIED ROADS, METROPOLITAN ROADS, SPECIAL ROADS

#### Special roads

This version in force from: **February 12, 2015 to present**

  (version 4 of 4)  

## 18.— Supplementary orders relating to special roads.

(1) Provision in relation to a special road may be made by an order under this section for any of the following purposes:—

(a) for appropriating as, or as part of, the special road, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which the special road authority are the highway authority;

(b) for transferring to the special road authority, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which they are not the highway authority;

(c) for authorising the special road authority—

(i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the special road or is or will be otherwise affected by the construction or improvement of the special road;

(ii) to construct a new highway for purposes connected with any such alteration as aforesaid or for any other purpose connected with the special road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;

(d) for transferring to such highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the special road authority in pursuance of the order or any previous order made under this section;

(e) for authorising or requiring the special road authority to exercise, either concurrently with or to the exclusion of any local authority, any functions which, apart from the order, would be exercisable by that local authority in relation to the special road other than functions of that authority as local planning authority;

(f) for any other purpose incidental to the purposes aforesaid or otherwise incidental to the construction or maintenance of, or other dealing with, the special road.

[

(1A) Subsection (1) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).

] <sup>1</sup>

(2) The provision that may be made pursuant to subsection (1)(f) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—

(a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted; [...] <sup>2</sup>

[...] <sup>3</sup>

(3) An order under this section making provision in connection with a special road shall—

(a) in the case of a special road provided or to be provided by the Minister be made by the Minister; and

(b) in [any other case] <sup>4</sup> of a special road provided or to be provided by a [...] <sup>5</sup> highway authority, be made by that authority and confirmed by the Minister.

- (4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
- (5) Subject to subsection (4) above, an order under this section may come into operation on the same day as the scheme authorising the special road to which it relates.
- (6) No order providing for the appropriation by or transfer to a special road authority of a highway comprised in the route prescribed by the scheme authorising the special road shall be made or confirmed by the Minister under this section unless either—
- (a) he is satisfied that another reasonably convenient route is available for traffic other than traffic of the class authorised by the scheme, or will be provided before the date on which the appropriation or transfer takes effect, or
  - (b) he is satisfied that no such other route is reasonably required for any such other traffic;
- and no order authorising the stopping up of a highway shall be made or confirmed by the Minister under this section unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.
- (7) An order under this section may provide for the payment of contributions—
- (a) by a special road authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section,
  - (b) to a special road authority by any other authority in respect of any liabilities so imposed on the special road authority that would otherwise have fallen to be discharged by the other authority,
- and may also provide for the determination by arbitration of disputes as to the payment of such contributions.
- (8) In this section "*local authority*" means [...] <sup>6</sup> the Common Council and the council of a county, district, London borough, parish or community, and includes the parish meeting of a [...] <sup>2</sup> parish not having a separate parish council.

#### Notes

1. Added by Planning Act 2008 c. 29 Sch.2 para.25 (March 1, 2010)
2. Word repealed by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)&dash;(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I
3. Repealed by Water Act 1989 (c.15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)&dash;(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I
4. Words substituted by Infrastructure Act 2015 c. 7 Sch.1(1) para.14(a) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
5. Word repealed by Infrastructure Act 2015 c. 7 Sch.1(1) para.14(b) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
6. Words repealed by Local Government Act 1985 (c.51), s. 102, Sch. 17
7. Word repealed by Statute Law (Repeals) Act 1995 c. 44 Sch.1(V) para.1 (November 8, 1995)

#### Modifications

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**Highways Act 1980 c. 66**

**Part III CREATION OF HIGHWAYS**

This version in force from: **July 11, 2006 to present**

 (version 3 of 3)  

#### 28.— Compensation for loss caused by public path creation order.

- (1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.
- (2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.
- (3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.

(4) Nothing in this section confers on any person, in respect of a footpath [, bridleway or restricted byway] <sup>1</sup> created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been affected otherwise than in the exercise of statutory powers.

(5) In this section "*interest*", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

## Notes

- <sup>1</sup> Words substituted by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)

## Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
Pt III s. 28	Modified in relation to any replacement footpath specified in SI 2012/2679 Sch.8 column (4) by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Pt 2 art. 16
	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11(a), Pt III s. 70
	Modified in relation to any substituted footpath specified in SI 2012/1914 Sch.4 column (4) by Hinkley Point Harbour Empowerment Order 2012/1914, Pt 2 art. 19
	Modified in relation to replacement and closure of footpath level crossings in the Borough of Stafford by Network Rail (West Coast Main Line) Order 2003/1075, Pt II art. 8
	Modified in relation to footpath created between points F24 and F25, to be substituted for part of footpath FP35 in the Borough of Stafford by Network Rail (West Coast Main Line) Order 2003/1075, Pt II art. 8(6)

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**Subject:** Damages **Other related subjects:** Planning; Road traffic

**Keywords:** Compensation; Damage to property; Planning authorities' powers and duties; Public path creation orders

Status:  Law In Force

Highways Act 1980 c. 66

## Part VIII STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

### Stopping up and diversion of highways

This version in force from: **May 11, 2006 to present**

  (version 5 of 5) 

### 116.— Power of magistrates' court to authorise stopping up or diversion of highway.

(1) Subject to the provisions of this section, if it appears to a magistrates' court, after a view, if the court thinks fit, by any two or more of the justices composing the court, that a highway (other than a trunk road or a special road) as respects which the [highway] <sup>1</sup> authority have made an application under this section—

(a) is unnecessary, or

(b) can be diverted so as to make it nearer or more commodious to the public,

the court may by order authorise it to be stopped up or, as the case may be, to be so diverted.

[...] <sup>2</sup>

(3) If an authority propose to make an application under this section for an order relating to any highway (other than a classified road) they shall give notice of the proposal to—

[

(a) if the highway is in a non-metropolitan district, the council of that district; and

] <sup>3</sup>

[

(aa) if the highway is in Wales, the Welsh council for the area in which it is situated if they are not the highway authority for it; and

] <sup>4</sup>

(b) if the highway is in England, the council of the parish (if any) in which the highway is situated or, if the parish does not have a separate parish council, to the chairman of the parish meeting; and

(c) if the highway is in Wales, the council (if any) of the community in which the highway is situated;

and the application shall not be made if within 2 months from the date of service of the notice by the authority notice is given to the authority by the district council [or Welsh council] <sup>5</sup> or by the parish or community council or, as the case may be, by the chairman of the parish meeting that the council or meeting have refused to consent to the making of the application.

(4) An application under this section may be made, and an order under it may provide, for the stopping up or diversion of a highway for the purposes of all traffic, or subject to the reservation of a footpath [, bridleway or restricted byway] <sup>6</sup>.

(5) An application or order under this section may include 2 or more highways which are connected with each other.

(6) A magistrates' court shall not make an order under this section unless it is satisfied that the applicant authority have given the notices required by Part I of Schedule 12 to this Act.

(7) On the hearing of an application under this section the applicant authority, any person to whom notice is required to be given under paragraph 1 of Schedule 12, any person who uses the highway and any other person who would be aggrieved by the making of the order applied for, have a right to be heard.

(8) An order under this section authorising the diversion of a highway—

(a) shall not be made unless the written consent of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court; and

(b) except in so far as the carrying out of the diversion may necessitate temporary interference with the highway, shall not authorise the stopping up of any part of the highway until the new part to be substituted for the part to be stopped up (including, where a diversion falls to be carried out under orders of 2 different courts, any necessary continuation of the new part in the area of the other court) has been completed to the satisfaction of 2 justices of the peace acting [in the same local justice] <sup>2</sup> area as the court by which the order was made and a certificate to that effect signed by them has been transmitted to the clerk of the applicant authority.

(9) Every order under this section shall have annexed to it a plan signed by the chairman of the court and shall be transmitted by [a justices' clerk] <sup>3</sup> to the proper officer of the applicant authority, together with any written consents produced to the court under subsection (8) above.

(10) Part II of Schedule 12 to this Act applies where, in pursuance of an order under this section, a highway is stopped up or diverted and, immediately before the order is made, there is under, in, upon, over, along or across the highway any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking.

[

(11) In this section "*statutory undertakers*" includes operators of driver information systems.

] <sup>2</sup>

## Notes

- <sup>1</sup>. Word substituted by Local Government Act 1985 (c.51), s. 8, Sch. 4 para. 24(a)
- <sup>2</sup>. Repealed by Local Government Act 1985 (c.51), s. 102, Sch. 17
- <sup>3</sup>. S. 116(3)(a) substituted by Local Government Act 1985 (c.51), s. 8, Sch. 4 para. 24(b)
- <sup>4</sup>. Words inserted by Local Government (Wales) Act 1994 c. 19 Sch.7(1) para.11 (April 1, 1996)
- <sup>5</sup>. Added by Local Government (Wales) Act 1994 c. 19 Sch.7(1) para.11 (April 1, 1996)
- <sup>6</sup>. Words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.5(II) para.15 (May 11, 2006 as SI 2006/1279)
- <sup>7</sup>. Words substituted by Courts Act 2003 c. 39 Sch.8 para.257(2) (April 1, 2005)
- <sup>8</sup>. Words substituted by Courts Act 2003 c. 39 Sch.8 para.257(3) (April 1, 2005)
- <sup>9</sup>. S.116(11) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), s. 13(1), Sch. 4 para. 3(3)

## Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Road traffic

**Keywords:** Applications; Diversion of highways; Highway authorities' powers and duties; Jurisdiction; Magistrates' courts; Notice; Stopping up orders



Status:  Law In Force

Highways Act 1980 c. 66

Part VIII STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

Stopping up and diversion of highways

This version in force from: **July 11, 2006** to **present**

 (version 7 of 7) 

### 118.— Stopping up of footpaths [, bridleways and restricted byways] <sup>1</sup> .

(1) Where it appears to a council as respects a footpath [, bridleway or restricted byway] <sup>1</sup> in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.

An order under this section is referred to in this Act as a "*public path extinguishment order*".

(2) The Secretary of State shall not confirm a public path extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to him or, as the case may be, them that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(3) A public path extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.

(4) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of public path extinguishment orders.

(5) Where, in accordance with regulations made under paragraph 3 of the said Schedule 6, proceedings preliminary to the confirmation of the public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a public path creation order [, public path diversion order or rail crossing diversion order] <sup>2</sup> then, in considering—

(a) under subsection (1) above whether the path or way to which the public path extinguishment order relates is needed for public use, or

(b) under subsection (2) above to what extent (if any) that path or way would apart from the order be likely to be used by the public, the council or the Secretary of State, as the case may be, may have regard to the extent to which the public path creation order [, public path diversion order or rail crossing diversion order] <sup>3</sup> would provide an alternative path or way.

(6) For the purposes of subsections (1) and (2) above, any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.

[

(6A) The considerations to which—

(a) the Secretary of State is to have regard in determining whether or not to confirm a public path extinguishment order, and

(b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would extinguish a public right of way.

] <sup>4</sup>

[...] <sup>5</sup>

#### Notes

- <sup>1</sup> Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)
- <sup>2</sup> Words substituted by Transport and Works Act 1992 c. 42 Sch.2 para.2(2)(a) (December 22, 1992 for the purpose of making regulations; January 31, 1993 otherwise)
- <sup>3</sup> Words substituted by Transport and Works Act 1992 c. 42 Sch.2 para.2(2)(b) (December 22, 1992 for the purpose of making regulations; January 31, 1993 otherwise)
- <sup>4</sup> Added by Countryside and Rights of Way Act 2000 c. 37 Sch.6(I) para.6 (April 1, 2004 as SI 2004/315)
- <sup>5</sup> Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

#### Modifications

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Pt VIII s. 118	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11
	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11 (c), Pt III s. 70
	Modified in relation in to the Authority by Norfolk and Suffolk Broads Act 1988 c. 4, Sch. 3(II) para. 47

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**Subject:** Road traffic

**Keywords:** Bridleways; Footpaths; Local authorities' powers and duties; Ministers' powers and duties; Public path extinguishment orders; Restricted byways; Stopping up

Status:  Law In Force

## Highways Act 1980 c. 66

## Part VIII STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

## Stopping up and diversion of highways

This version in force from: **July 11, 2006 to present** (version 3 of 3) [  
118A.— Stopping up of footpaths [, bridleways and restricted byways] <sup>2</sup> crossing railways.

(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath [, bridleway or restricted byway] <sup>2</sup> in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.

(2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way—

(a) on the crossing itself, and

(b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way (whether or not other rights of way also subsist over it).

(3) An order under this section is referred to in this Act as a "*rail crossing extinguishment order*".

(4) The Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

(5) Before determining to make a rail crossing extinguishment order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any expenses which the council may incur in connection with the erection or maintenance of barriers and signs.

(6) A rail crossing extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.

(7) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing extinguishment orders.

(8) In this section—

"operator", in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

"railway" includes tramway but does not include any part of a system where rails are laid along a carriageway.

] <sup>1</sup>

## Notes

1. Added by Transport and Works Act 1992 c. 42 Sch.2 para.3 (December 22, 1992 for the purpose of making regulations; January 31, 1993 otherwise)
2. Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006; July 2, 2006 in relation to England; July 11, 2006 otherwise)



## Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
Pt VIII s. 118A	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11
	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11 (c), Pt III s. 70
	Modified in relation in to the Authority by Norfolk and Suffolk Broads Act 1988 c. 4, Sch. 3(II) para. 47

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**Subject:** Road traffic

**Keywords:** Bridleways; Footpaths; Local authorities' powers and duties; Ministers' powers and duties; Public path extinguishment orders; Railways; Restricted byways; Stopping up



Status:  Law In Force /  Amendment(s) Pending

# Highways Act 1980 c. 66

## Part VIII STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

### Stopping up and diversion of highways

This version in force from: **July 11, 2006** to **present**

 (version 6 of 7) 

#### 119.— Diversion of footpaths [, bridleways and restricted byways] <sup>1</sup>.

(1) [ Where it appears to a council as respects a footpath [, bridleway or restricted byway] <sup>1</sup> in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or ] <sup>2</sup> of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—

(a) create, as from such date as may be specified in the order, any such new footpath [, bridleway or restricted byway] <sup>1</sup> as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be [specified in the order or determined] <sup>2</sup> in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the council requisite as aforesaid.

An order under this section is referred to in this Act as a "*public path diversion order*".

(2) A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway, or

(b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.

[

(3) Where it appears to the council that work requires to be done to bring the new site of the footpath [, bridleway or restricted byway] <sup>1</sup> into a fit condition for use by the public, the council shall—

(a) specify a date under subsection (1)(a) above, and

(b) provide that so much of the order as extinguishes (in accordance with subsection (1)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.

] <sup>2</sup>

(4) A right of way created by a public path diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.

(5) Before determining to make a public path diversion order [on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him ] <sup>2</sup> to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—

(a) any compensation which may become payable under section 28 above as applied by section 121(2) below, or

(b) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use for the public, or

(c) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.

(6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

(a) the diversion would have on public enjoyment of the path or way as a whole,

(b) the coming into operation of the order would have as respects other land served by the existing public right of way, and

(c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,



so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation referred to in subsection (5)(a) above.

[

(6A) The considerations to which—

(a) the Secretary of State is to have regard in determining whether or not to confirm a public path diversion order, and

(b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would create or extinguish a public right of way.

] <sup>1</sup>

(7) A public path diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed,—

(a) showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted,

(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a footpath [, bridleway or restricted byway] <sup>1</sup>, and

(c) where some part of the new site is already so comprised, defining that part.

(8) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of public path diversion orders.

(9) Section 27 above (making up of new footpaths [, bridleways and restricted byways] <sup>1</sup>) applies to a footpath [, bridleway or restricted byway] <sup>1</sup> created by a public path diversion order with the substitution, for references to a public path creation order, of references to a public path diversion order and, for references to section 26(2) above, of references to section 120(3) below.

#### Notes

1. Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)
2. Words substituted by Wildlife and Countryside Act 1981 (c.69), ss. 53, 54, Sch. 16 paras. 5(1), 10(1)
3. Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.6(I) para.9 (May 31, 2005 as SI 2005/1314)
4. Inserted by Countryside and Rights of Way Act 2000 c. 37 Sch.6(I) para.9(5) (April 1, 2004 as SI 2004/315)

#### Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
Pt VIII s. 119	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11
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**Subject:** Road traffic

**Keywords:** Bridleways; Footpaths; Local authorities' powers and duties; Ministers' powers and duties; Public path diversion orders; Restricted byways

Status:  Law In Force

Highways Act 1980 c. 66

Part VIII STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

Stopping up and diversion of highways

This version in force from: **July 11, 2006 to present**

 (version 5 of 5) 

[

119A.— Diversion of footpaths [, bridleways and restricted byways] <sup>2</sup> crossing railways.

(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath [, bridleway or restricted byway] <sup>2</sup> in their area which crosses a railway, otherwise than by tunnel or bridge, should be diverted (whether on to land of the same or of another owner, lessee or occupier).

(2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order—

(a) create, as from such date as may be specified in the order, any such new path or way as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be specified in the order or determined under subsection (7) below, the public right of way over the crossing and over so much of the path or way of which the crossing forms part as appears to the council requisite as aforesaid.

(3) An order under this section is referred to in this Act as a "*rail crossing diversion order*".

(4) The Secretary of State shall not confirm a rail crossing diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

(5) A rail crossing diversion order shall not alter a point of termination of a path or way diverted under the order—

(a) if that point is not on a highway over which there subsists a like right of way (whether or not other rights of way also subsist over it), or

(b) (where it is on such a highway) otherwise than to another point which is on the same highway, or another such highway connected with it.

(6) A rail crossing diversion order may make provision requiring the operator of the railway to maintain all or part of the footpath [, bridleway or restricted byway] <sup>2</sup> created by the order.

(7) Where it appears to the council that work requires to be done to bring the new site of the footpath [, bridleway or restricted byway] <sup>2</sup> into a fit condition for use by the public, the council shall—

(a) specify a date under subsection (2)(a) above, and

(b) provide that so much of the order as extinguishes (in accordance with subsection (2)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.

(8) Before determining to make a rail crossing diversion order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—

(a) any compensation which may become payable under section 28 above as applied by section 121(2) below;

(b) any expenses which the council may incur in connection with the erection or maintenance of barriers and signs;

(c) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use by the public;

(d) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (11) below.

(9) A rail crossing diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed—

(a) showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted,

(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a footpath [, bridleway or restricted byway] <sup>2</sup>, and

(c) where some part of the new site is already so comprised, defining that part.

(10) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing diversion orders.

(11) Section 27 above (making up of new footpaths [, bridleways and restricted byways] <sup>2</sup>) applies to a footpath [, bridleway or restricted byway] <sup>2</sup> created by a rail crossing diversion order with the substitution, for references to a public path creation order, of references to a rail crossing diversion order and, for references to section 26(2) above, of references to section 120(3) below.

(12) In this section and in section 120 below—

"operator", in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

"railway" includes tramway but does not include any part of a system where rails are laid along a carriageway.

## Notes

1. Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.6(1) para.11 (May 31, 2005 as SI 2005/1314)
2. Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)

## Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
Pt VIII s. 119A	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11
	Modified in relation to statutory functions of National Park authorities by Environment Act 1995 c. 25, Sch. 9 para. 11 (c), Pt III s. 70
	Modified in relation in to the Authority by Norfolk and Suffolk Broads Act 1988 c. 4, Sch. 3(II) para. 47

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**Subject:** Road traffic

**Keywords:** Bridleways; Footpaths; Local authorities' powers and duties; Ministers' powers and duties; Public path diversion orders; Railways; Restricted byways

Status:  Law In Force

Highways Act 1980 c. 66

**Part IX LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS**

**Damage to highways, streets etc.**

This version in force from: **July 11, 2006 to present**

 (version 3 of 3) 

[  
**135.— Authorisation of other works disturbing footpath [, bridleway or restricted byway] <sup>2</sup>.**

(1) Where the occupier of any agricultural land, or land which is being brought into use for agriculture, desires to carry out in relation to that land an excavation or engineering operation, and the excavation or operation—

(a) is reasonably necessary for the purposes of agriculture, but

(b) will so disturb the surface of a footpath [, bridleway or restricted byway] <sup>2</sup> which passes over that land as to render it inconvenient for the exercise of the public right of way,

he may apply to the highway authority for an order that the public right of way shall be subject to the condition that he has the right to disturb the surface by that excavation or operation during such period, not exceeding three months, as is specified in the order ("the authorisation period").

(2) The highway authority shall make an order under subsection (1) above if they are satisfied either—

(a) that it is practicable temporarily to divert the path or way in a manner reasonably convenient to users; or

(b) that it is practicable to take adequate steps to ensure that the path or way remains sufficiently convenient, having regard to the need for the excavation or operation, for temporary use while it is being carried out.

(3) An order made by a highway authority under subsection (1) above—

(a) may provide for the temporary diversion of the path or way during the authorisation period, but shall not divert it on to land not occupied by the applicant unless written consent to the making of the order has been given by the occupier of that land, and by any other person whose consent is needed to obtain access to it;

(b) may include such conditions as the authority reasonably think fit for the provision, either by the applicant or by the authority at the expense of the applicant, of facilities for the convenient use of any such diversion, including signposts and other notices, stiles, bridges, and gates;

(c) shall not affect the line of a footpath [, bridleway or restricted byway] <sup>2</sup> on land not occupied by the applicant;

and the authority shall cause notices of any such diversion, together with a plan showing the effect of the diversion and the line of the alternative route provided, to be prominently displayed throughout the authorisation period at each end of the diversion.

(4) An order made by a highway authority under subsection (1) above may include such conditions as the authority reasonably think fit—

(a) for the protection and convenience during the authorisation period of users of the path or way;

(b) for making good the surface of the path or way to not more than its minimum width before the expiration of the authorisation period;

(c) for the recovery from the applicant of expenses incurred by the authority in connection with the order.

(5) An order under this section shall not authorise any interference with the apparatus or works of any statutory undertakers.

(6) If the applicant fails to comply with a condition imposed under subsection (3)(b) or (4)(a) or (b) above he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(7) Proceedings for an offence under this section in relation to a footpath [, bridleway or restricted byway]<sup>2</sup> shall be brought only by the highway authority or (with the consent of the highway authority) the council of the non-metropolitan district, parish or community in which the offence is committed.

(8) Without prejudice to section 130 (protection of public rights) above, it is the duty of the highway authority to enforce the provisions of this section.

(9) In this section "*minimum width*", in relation to a highway, has the same meaning as in Schedule 12A to this Act.

] <sup>1</sup>

## Notes

1. S. 135 substituted by Rights of Way Act 1990 (c.24), ss. 1(4), 6(3)
2. Amended by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)

## Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Agriculture **Other related subjects:** Road traffic

**Keywords:** Agricultural land; Authorisation; Bridleways; Damage to highways; Diversion of highways; Engineering operations; Excavation; Footpaths; Highway authorities' powers and duties; Restricted byways

Status: ☒ Law In Force

Highways Act 1980 c. 66

### Part XIV MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### Miscellaneous powers etc. of highway authorities and local authorities

This version In force from: **July 15, 2005 to present**

⏮ ⏪ (version 4 of 4) ⏩ ⏭

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) [Wales](#)

England

[

#### 293.— Powers of entry for purposes connected with certain orders relating to footpaths and bridleways.

(1) A person duly authorised in writing by the Secretary of State or other authority having power under this Act to make a public path creation order, a public path extinguishment order, a rail crossing extinguishment order, a special extinguishment order a public path diversion order [, a rail crossing diversion order, a special diversion order or an SSSI diversion order]<sup>2</sup> may enter upon any land for the purpose of surveying it in connection with the making of the order.

(2) For the purpose of surveying land, or of estimating its value, in connection with a claim for compensation payable by an authority in respect of that or any other land under section 28 above, or under that section as applied by section 121(2) above, a person who is an officer of the Valuation Office or who has been duly authorised in writing by the authority from whom the compensation is claimed may enter upon the land.

(3) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering; and a person shall not under this section demand admission as of right to any land which is occupied unless at least 7 days' notice in writing of the intended entry has been given to the occupier.

(4) A person who wilfully obstructs a person acting in the exercise of his powers under this section is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

] <sup>4</sup>

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## Wales

**293.— Powers of entry for purposes connected with certain orders relating to footpaths and bridleways.**

(1) A person duly authorised in writing by the Secretary of State or other authority having power under this Act to make a public path creation order, a public path extinguishment order [ , a rail crossing extinguishment order, [a special extinguishment order ] <sup>2</sup> a public path diversion order [ , a rail crossing diversion order, a special diversion order or an SSSI diversion order] <sup>2</sup> <sup>1</sup> may enter upon any land for the purpose of surveying it in connection with the making of the order.

(2) For the purpose of surveying land, or of estimating its value, in connection with a claim for compensation payable by an authority in respect of that or any other land under section 28 above, or under that section as applied by section 121(2) above, a person who is an officer of the Valuation Office or who has been duly authorised in writing by the authority from whom the compensation is claimed may enter upon the land.

(3) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering; and a person shall not under this section demand admission as of right to any land which is occupied unless at least 7 days' notice in writing of the intended entry has been given to the occupier.

(4) A person who wilfully obstructs a person acting in the exercise of his powers under this section is guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale] <sup>3</sup>.

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**Notes**

1. Words substituted by Transport and Works Act 1992 c. 42 Sch.2 para.7 (December 22, 1992 for the purpose of making regulations; January 31, 1993 otherwise)
2. Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.6(I) para.17 (July 15, 2005: amendment has effect in relation to Wales on July 15, 2005 for purposes specified in SI 2005/1314 art.3(d)(iii) and is not in force in relation to Wales otherwise )
3. Words substituted by Criminal Justice Act 1982 (c.48), ss. 38, 46
4. Words inserted by Countryside and Rights of Way Act 2000 c. 37 Sch.6(I) para.17(a) (February 12, 2003 as SI 2003/272)
5. Words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.6(I) para.17(b) (February 12, 2003: substitution has effect in relation to England for the purposes specified in SI 2003/272 art.2(k)(ii) and is not yet in force otherwise)

**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Criminal law **Other related subjects:** Road traffic

**Keywords:** Highway authorities' powers and duties; Obstruction; Offences; Penalties; Powers of entry; Public path creation orders; Public path diversion orders; Public path extinguishment orders; Surveys

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Status: ☒ Law In Force / ☐ Amendment(s) Pending

**Wildlife and Countryside Act 1981 c. 69**

**Part III PUBLIC RIGHTS OF WAY**

**Ascertainment of public rights of way**

This version in force from: **November 16, 2006** to **present**

  (version 4 of 4)  

**53.— Duty to keep definitive map and statement under continuous review.**

- (1) In this Part "*definitive map and statement*", in relation to any area, means, subject to [section 57(3) and 57A(1)] <sup>1</sup>,—
- (a) the latest revised map and statement prepared in definitive form for that area under section 33 of the 1949 Act; or
  - (b) where no such map and statement have been so prepared, the original definitive map and statement prepared for that area under section 32 of that Act; or
  - (c) where no such map and statement have been so prepared, the map and statement prepared for that area under section 55(3).
- (2) As regards every definitive map and statement, the surveying authority shall—
- (a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in subsection (2) are as follows—
- (a) the coming into operation of any enactment or instrument, or any other event, whereby—
    - (i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;
    - (ii) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or
    - (iii) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path [ or a restricted byway] <sup>1</sup>;
  - (b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path [ or restricted byway] <sup>2</sup>;
  - (c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—
    - (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being [ a right of way such that the land over which the right subsists is a public path [, a restricted byway] <sup>2</sup> or, subject to section 54A, a byway open to all traffic] <sup>1</sup>;
    - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or
    - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.
- (4) The modifications which may be made by an order under subsection (2) shall include the addition to the statement of particulars as to—
- (a) the position and width of any public path [, restricted byway] <sup>1</sup> or byway open to all traffic which is or is to be shown on the map; and
  - (b) any limitations or conditions affecting the public right of way thereover.
- [
- (4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.
  - (4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.

] <sup>1</sup>

(5) Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.

[

(5A) Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.

] <sup>1</sup>

(6) Orders under subsection (2) which make only such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (a) of subsection (3) shall take effect on their being made; and the provisions of Schedule 15 shall have effect as to the making, validity and date of coming into operation of other orders under subsection (2).

## Notes

1. Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.1 (May 11, 2006 as SI 2006/1279)
2. Amended by Natural Environment and Rural Communities Act 2006 c. 16 Pt 6 s.70(1) (November 16, 2006 as SI 2006/2992)

## Modifications

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Pt III	Modified in relation to publicity for applications for planning permission by Town and Country Planning (General Development Procedure) Order 1995/419, art. 8(2)(c), art. 8(3)

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**Subject:** Environment **Other related subjects:** Road traffic

**Keywords:** Byways open to all traffic; Definitive maps and statements; Modification orders; Public paths; Public rights of way; Restricted byways; Reviews

Status:  Law In Force

## Wildlife and Countryside Act 1981 c. 69

### Part III PUBLIC RIGHTS OF WAY

#### Miscellaneous and supplemental

This version in force from: **May 11, 2006 to present**

 (version 4 of 4) 

## 66.— Interpretation of Part III.

(1) In this Part—

"*bridleway*" means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

"*byway open to all traffic*" means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used;

"*definitive map and statement*" has the meaning given by section 53(1);

"*footpath*" means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road;

"*horse*" includes a pony, ass and mule, and "*horseback*" shall be construed accordingly;

"*public path*" means a highway being either a footpath or a bridleway;

"*restricted byway*" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;] <sup>1</sup>

"*right of way to which this Part applies*" means a right of way such that the land over which the right subsists is a public path or a byway open to all traffic;

['*surveying authority*', in relation to any area, means the county council, [county borough council, ] <sup>2</sup> metropolitan district council or London borough council whose area includes that area. ] <sup>3</sup>

(2) A highway at the side of a river, canal or other inland navigation shall not be excluded from any definition contained in subsection (1) by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right thereover.

(3) The provisions of section 30(1) of the 1968 Act (riding of pedal cycles on bridleways) shall not affect the definition of bridleway in subsection (1) and any rights exercisable by virtue of those provisions shall be disregarded for the purposes of this Part.

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**Notes**

1. Definition Inserted by Countryside and Rights of Way Act 2000 c. 37 Sch.5(1) para.9 (May 11, 2006 as SI 2006/1279)
  2. Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(6)
  3. Words inserted Into definition by Local Government (Wales) Act 1994 c. 19 Sch.16 para.65(8) (April 1, 1996)
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**Subject:** Environment **Other related subjects:** Road traffic

**Keywords:** Bridleways; Byways open to all traffic; Definitive maps and statements; Footpaths; Horses; Interpretation; Public paths; Public rights of way; Restricted byways; Rural areas; Statutory definition

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# Acquisition of Land Act 1981

## CHAPTER 67

### ARRANGEMENT OF SECTIONS

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2. Procedure for authorisation.
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##### *Interpretation*

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creation of new rights.
- Schedule 4—Consequential amendments.
- Schedule 5—Transitional.
- Schedule 6—Repeals.

ELIZABETH II



# Acquisition of Land Act 1981

1981 CHAPTER 67

An Act to consolidate the Acquisition of Land (Authorisation Procedure) Act 1946 and related enactments.  
[30th October 1981]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### GENERAL

1.—(1) In this Act “compulsory purchase” means a compulsory purchase of land, being— Application of Act.

(a) a compulsory purchase to which this Act applies by virtue of any other enactment, whether or not passed or made before this Act, or

(b) a compulsory purchase under an enactment specified in subsection (2) below.

(2) The enactments referred to in subsection (1)(b) above are—

section 2 of the Metropolitan Police Act 1886, 1886 c. 22.

section 1(3) of the Military Lands Act 1892, 1892 c. 43.

sections 25(1) and 39(1) of the Small Holdings and Allotments Act 1908, 1908 c. 36.

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1909 c. 47.

section 5(1) of the Development and Road Improvement Funds Act 1909 as it applies to acquisition by local authorities (as defined in section 7(1) of this Act) or the Secretary of State,

1926 c. 52.

section 4 of the Small Holdings and Allotments Act 1926,

1936 c. 49.

section 306 of the Public Health Act 1936,

1944 c. 31.

section 90(1) of the Education Act 1944,

1945 c. 42.

section 24(4) of the Water Act 1945 as it applies to local authorities (as defined in section 7(1) of this Act).

(3) In this section "enactment" includes any statutory instrument.

*Compulsory purchase*

Procedure for  
authorisation.

2.—(1) The authorisation of a compulsory purchase shall be conferred by an order (in this Act called a "compulsory purchase order").

(2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister shall be made by that authority and submitted to and confirmed by the confirming authority in accordance with Part II of this Act.

(3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with Schedule 1 to this Act.

Minerals.

3. Schedule 2 to this Act (exception of minerals from purchases etc.) shall have effect.

Assessment of  
compensation.  
1961 c. 33.

4.—(1) In relation to a compulsory purchase the Land Compensation Act 1961 shall have effect subject to the provisions of this section.

(2) The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

*Supplemental*

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5.—(1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit. Local inquiries.

(2) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (giving of evidence on inquiries) shall apply to a public local inquiry held in pursuance of this Act. 1972 c. 70.

(3) In relation to—

(a) a proposed acquisition of land by an authority other than a Minister, or

(b) the proposed extinction under Part VI of this Act of a right of way over land acquired or proposed to be acquired by an authority other than a Minister,

subsections (4) and (5) of the said section 250 (defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act.

6.—(1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service. Service of documents.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of section 7 of the Interpretation Act 1978 the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served: 1978 c. 30.

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by

**PART I**

addressing it to him by the description of "owner", "lessee" or "occupier" of the land (describing it) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the premises:

Provided that this subsection shall not have effect in relation to an owner, lessee or occupier being a local authority or statutory undertakers or the National Trust.

*Interpretation*

Interpretation. 7.—(1) In this Act, except where the context otherwise requires—

"acquiring authority", in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,

"compulsory purchase order" means an order under section 2(1) above,

"confirming authority", in relation to a compulsory purchase, means, where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,

"land"—

(a) includes messuages, tenements and hereditaments, and

(b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,

"local authority" means the council of a county, borough or district, the common council of the City of London, the receiver for the metropolitan police district or any other authority being a local authority within the meaning of the Local Loans Act 1875 and includes—

(a) any water authority or drainage board,

(b) any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid, and

(c) the Honourable Society of the Inner Temple and the Honourable Society of the Middle Temple,

"National Trust" means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907,

"owner" in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the

1875 c. 83.

7 Edw 7.  
c. cxxxvi.

PART I

land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years,

“prescribed”: see subsection (2) below.

(2) Anything which, by Part II or III of this Act, or Schedule 1 or 3 of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

8.—(1) In this Act, unless the context otherwise requires, *Statutory undertakers* means—

(a) any person authorised by any enactment to construct, work or carry on—

(i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or

(ii) any dock, harbour, pier or lighthouse undertaking, or

(iii) any undertaking for the supply of electricity, gas, hydraulic power or water, or

(b) the British Airports Authority or the Civil Aviation Authority, or

(c) the Post Office or British Telecommunications,

and in this subsection “enactment” means any Act or any order or scheme made under or confirmed by an Act.

(2) In this Act “undertaking”, in relation to the British Airports Authority, means the aerodromes owned by the Authority.

(3) In this Act “the appropriate Minister” means, in relation to any statutory undertakers, the Secretary of State.

(4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

9. For the removal of doubt it is hereby declared that any *Land held inalienably* power conferred—

(a) under this Act, or

(b) by or under the Acquisition of Land (Authorisation Procedure) Act 1946, or any enactment passed before the commencement of that Act,

to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

## PART II

## PURCHASES BY LOCAL AND OTHER AUTHORITIES

**Preliminary.** 10.—(1) This Part of this Act has effect except where a Minister is the acquiring authority.

(2) The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.

(3) Before submitting the order to the confirming authority the acquiring authority shall comply with sections 11 and 12 below.

*Notices prior to submission of order to  
confirming authority*

**Notices in  
newspapers.**

11.—(1) The acquiring authority shall in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the order is situated.

(2) The notice shall—

- (a) state that the order has been made and is about to be submitted for confirmation,
- (b) describe the land and state the purpose for which the land is required,
- (c) name a place within the locality where a copy of the order and of the map referred to therein may be inspected, and
- (d) specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the order can be made.

**Notices to  
owners,  
lessees and  
occupiers.**

12.—(1) The acquiring authority shall serve on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form—

- (a) stating the effect of the order,
- (b) stating that it is about to be submitted for confirmation, and

- (c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the order can be made. PART II

(2) For the purposes of this section an occupier being a statutory tenant within the meaning of the Rent Act 1977 or the 1977 c. 42. Rent (Agriculture) Act 1976 shall be deemed to be a tenant for 1976 c. 80. a period less than a month.

(3) Where under this section any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

In this subsection "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

### *Confirmation of order*

13.—(1) If no objection is duly made by any such owner, Confirmation lessee or occupier as is mentioned in section 12 above, or if all of order. objections so made are withdrawn, the confirming authority, upon being satisfied that the proper notices have been published and served, may, if the confirming authority thinks fit, confirm the order with or without modifications.

(2) If any objection duly made as aforesaid is not withdrawn, the confirming authority shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose, and, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may confirm the order either with or without modifications.

(3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the confirming authority shall afford to the acquiring authority, and to any other persons to whom it appears to the confirming authority expedient to afford it, an opportunity of being heard on the same occasion.

(4) Notwithstanding anything in subsection (2) or (3) above, the confirming authority may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this section if the con-



**PART II**

firming authority is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.

(5) This section has effect subject to section 31 below (joint confirmation by confirming authority and appropriate Minister)

Land not originally included in order.

14. The order as confirmed by the confirming authority shall not, unless all persons interested consent, authorise the acquiring authority to purchase compulsorily any land which the order would not have authorised that authority to purchase compulsorily if it had been confirmed without modification.

Notices after confirmation of order.

15. As soon as may be after the order has been confirmed the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form—

- (a) describing the land,
- (b) stating that the order has been confirmed, and
- (c) naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected at all reasonable hours.

and shall serve a like notice, and a copy of the order as confirmed, on any person on whom notices with respect to the land were required to be served under section 12 above.

**PART III****SPECIAL KINDS OF LAND**

Statutory undertakers' land excluded from compulsory purchase.

16.—(1) This section applies where the land comprised in a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied that—

- (a) any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) an interest in any of the said land is held for those purposes.

(2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any land as to which the appropriate Minister is satisfied as aforesaid

except land as to which he is satisfied that its nature and situation are such—

PART III

- (a) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
- (b) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,

and certifies accordingly.

*Orders subject to special parliamentary procedure*

17.—(1) This section applies to land which—

Local authority  
and statutory  
undertakers'  
land.

- (a) is the property of a local authority, or
- (b) has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

(2) Subject to subsection (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to the order has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

(3) Subsection (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in subsection (4) below), the Land Authority for Wales, the Peak Park Joint or Lake District Special Planning Board, any statutory undertakers or a Minister.

(4) In subsection (3) above—

“local authority” means—

(a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council.

(b) in relation to Wales, the council of a county or district,

and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county;

“statutory undertakers” includes—

(a) the National Coal Board, and

(b) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph,

## PART III

(5) An order under paragraph (b) of the definition of "statutory undertakers" in subsection (4) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

National  
Trust land.

**18.**—(1) This section applies to land belonging to the National Trust which is held by the Trust inalienably.

(2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land to which this section applies, be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the National Trust and has not been withdrawn.

(3) In this section "held inalienably", in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.

Commons,  
open spaces  
etc.

**19.**—(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

- (a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or
- (b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) Where it is proposed to give a certificate under this section, the Secretary of State shall give public notice of his intention so to do, and—

- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

PART III

- (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

- (3) A compulsory purchase order may provide for—

- (a) vesting land given in exchange as mentioned in subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and
- (b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject.

- (4) In this section—

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

20.—(1) This section applies, subject to subsection (2) below, to land being, or being the site of— Ancient monuments.

- (a) a monument with respect to which an interim preservation notice is in force, or
- (b) subject to subsection (4) below, any other ancient monument as defined in the Ancient Monuments Acts 1913 and 1931.

(2) Subsection (1) above shall not include a listed building, or any land or object comprised within the curtilage of a listed building, unless the building or object—

- (a) is specified in the Schedule to the Ancient Monuments Protection Act 1882, or
- (b) is for the time being specified in a list published under section 12 of the Ancient Monuments Consolidation 1913 c. 32. and Amendment Act 1913.

(3) In so far as a compulsory purchase order authorises the purchase of land to which this section applies, the order shall be subject to special parliamentary procedure unless the Secretary of State is the acquiring authority or certifies that the acquiring authority has entered into an undertaking with the Secretary

## PART III

of State to observe such conditions as to the use of the land as in his opinion are requisite having regard to the nature thereof.

1979 c. 46.

(4) Subsection (1)(b) above is prospectively repealed by the Ancient Monuments and Archaeological Areas Act 1979 as amended by paragraph 29 of Schedule 4 to this Act, that is to say repealed by a provision which may be brought into force under section 65(2) of that Act.

(5) In this section—

1953 c. 49.

“interim preservation notice” means a notice served under section 10(1) of the Historic Buildings and Ancient Monuments Act 1953,

1971 c. 78.

“listed building” has the meaning given by section 54 of the Town and Country Planning Act 1971.

Land within more than one provision in Part III.

21. In the case of land falling within more than one of sections 17 to 20 above a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those sections.

*Supplemental*

Notice of giving of certificate.

22. As soon as may be after the giving of a certificate under this Part of this Act, the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.

## PART IV

## VALIDITY AND DATE OF OPERATION OF ORDERS AND CERTIFICATES

Grounds for application to High Court.

23.—(1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that the authorisation of a compulsory purchase thereby granted is not empowered to be granted under this Act or any such enactment as is mentioned in section 1(1) of this Act, he may make an application to the High Court.

(2) If any person aggrieved by—

(a) a compulsory purchase order, or

(b) a certificate under Part III of, or Schedule 3 to, this Act, desires to question the validity thereof on the ground that any relevant requirement has not been complied with in relation to the order or certificate he may make an application to the High Court.

(3) In subsection (2) above "relevant requirement" means— PART IV

- (a) any requirement of this Act, or of any regulation under section 7(2) above, or
- (b) any requirement of the Tribunals and Inquiries Act 1971 c. 62. 1971 or of any rules made, or having effect as if made, under that Act.

(4) An application to the High Court under this section shall be made within six weeks—

- (a) in the case of a compulsory purchase order to which the Statutory Orders (Special Procedure) Act 1945 applies 1945 (9 & 10 (and which is not excluded by section 27 below), from Geo 6) c. 18. the date on which the order becomes operative under that Act,
- (b) in the case of a compulsory purchase order to which the said Act of 1945 does not apply, from the date on which notice of the confirmation or making of the order is first published in accordance with this Act,
- (c) in the case of a certificate, the date on which notice of the giving of the certificate is first published in accordance with this Act.

24.—(1) On an application under section 23 above the court Powers of the court. may by interim order suspend the operation of the compulsory purchase order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings.

(2) If on the application the court is satisfied that—

- (a) the authorisation granted by the compulsory purchase order is not empowered to be granted under this Act or any such enactment as is mentioned in section 1(1) of this Act, or
- (b) the interests of the applicant have been substantially prejudiced by any relevant requirement (as defined in section 23(3) above) not having been complied with,

the court may quash the compulsory purchase order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

25. Subject to the preceding provisions of this Part of this Restriction on Act, a compulsory purchase order, or a certificate under Part other court III of, or Schedule 3 to, this Act, shall not, either before or after proceedings. it has been confirmed, made or given, be questioned in any legal proceedings whatsoever.

**PART IV**Date of  
operation.1945 (9 & 10  
Geo 6) c. 18.

**26.**—(1) Subject to section 24 above, a compulsory purchase order, other than one to which the Statutory Orders (Special Procedure) Act 1945 applies, shall become operative on the date on which notice of the confirmation or making of the order is first published in accordance with this Act.

(2) Subject to section 24 above, a certificate under Part III of, or Schedule 3 to, this Act shall become operative on the date on which notice of the giving of the certificate is first published in accordance with this Act.

Exclusion of  
orders  
confirmed by  
Act of  
Parliament.

**27.** This Part of this Act shall not apply to an order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945.

**PART V****PROCEDURE IN SPECIAL CASES***Compulsory acquisition of rights over land*Acquisition of  
rights over  
land by the  
creation of  
new rights.

1972 c. 60.

1976 c. 57.

1976 c. 75.

1980 c. 65.

1980 c. 66.

**28.** Schedule 3 to this Act applies to the compulsory acquisition under this Act of rights over land by the creation of new rights by virtue of—

(a) paragraphs 1 and 2 of Schedule 2 to the Gas Act 1972,

(b) section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976,

(c) section 6(5) of the Development of Rural Wales Act 1976,

(d) section 142(4) of the Local Government, Planning and Land Act 1980,

(e) section 250 of the Highways Act 1980.

Compulsory  
rights orders  
under  
Opencast Coal  
Act 1958.  
1958 c. 69.

**29.**—(1) This Act in its application to compulsory rights orders by section 4 of the Opencast Coal Act 1958 has effect subject to this section.

(2) Parts II, III and IV of this Act shall apply as if in those provisions—

(a) any reference to a compulsory purchase order were a reference to a compulsory rights order,

(b) any reference to the acquiring authority were a reference to the National Coal Board, and any reference to the confirming authority were a reference to the Secretary of State, and

PART V

- (c) any reference to authorising the compulsory purchase of land were a reference to operating so as to confer on the National Coal Board temporary rights of occupation and use of land.

(3) Any modifications of particular provisions of this Act which are specified in the following provisions of this section shall have effect, in relation to those provisions, in addition to the general modifications mentioned above.

(4) Part II of this Act shall apply as if for section 12 there was substituted—

“ 12. The acquiring authority shall—

- (a) serve on all persons who at the time when notice of the order is first published under section 11 above are known to the acquiring authority to be persons directly concerned a notice in the prescribed form—

(i) stating the effect of the order and that it is about to be submitted for confirmation, and

(ii) specifying the time (not being less than 21 days from service of the notice) within which, and the manner in which, objections thereto can be made, and

- (b) affix conspicuously to some conspicuous object or objects on the land comprised in the order a notice or notices containing the particulars specified in paragraph (a)(i) and (ii) above.”

(5) Section 13 of this Act shall apply as if for any reference to any owner, lessee or occupier there were substituted a reference to any person who, in relation to the order, is a person directly concerned.

(6) Except where the Secretary of State is proceeding concurrently with respect to an application for an authorisation under section 1 of the Opencast Coal Act 1958 and a compulsory rights order, the Secretary of State may disregard an objection to such an order if he is satisfied that it relates to the question whether an authorisation under the said section 1 should have been, or should be, granted to work the coal in question by opencast operations and either—

- (a) it relates exclusively to that question, or  
(b) in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation.



## PART V

This subsection is without prejudice to the operation of section 13 of this Act.

(7) In section 19 of this Act—

- (a) any reference to giving other land in exchange shall be construed as a reference to making other land available during the period for which the compulsory rights order is to have effect,
- (b) the provisions of the said section 19 as to the vesting of land, and as to its being made subject to the like rights, trusts and incidents as the land purchased, shall apply with the necessary modifications, and
- (c) subsection (3)(b) shall not apply.

(8) Section 23 of this Act shall apply as if—

- (a) in subsection (1) for the first reference to this Act there were substituted a reference to the Opencast Coal Act 1958,
- (b) in subsection (3)(a) the reference to this Act included a reference to that Act.

(9) The date on which the compulsory rights order becomes operative shall be that mentioned in section 26(1) of this Act or such later date (not being more than one year after confirmation of the order) as may be determined by the Secretary of State and specified in the order as confirmed.

(10) In the application of this Act to compulsory rights orders “prescribed” means prescribed by regulations under the Opencast Coal Act 1958.

(11) In this section “persons directly concerned” has the same meaning as in the Opencast Coal Act 1958.

Acquisition of rights in connection with underground storage of gas.  
1965 c. 36.

**30.—**(1) Subject to this section, in relation to the compulsory purchase—

- (a) of a right to store gas in an underground gas storage under section 12(1) of the Gas Act 1965, or
- (b) of any right under subsections (2) or (3) of section 13 of that Act,

1965 c. 56.

this Act, the enactments incorporated therewith and the Compulsory Purchase Act 1965 shall have effect as if—

- (i) references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the stratum of land constituting the underground gas storage or, as the case may be, the land comprising the well, borehole or shaft, and

- (ii) references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the right.

PART V

(2) In relation to the compulsory purchase of a right to store gas in an underground gas storage under section 12(1) of the Gas Act 1965 this Act shall have effect—

1965 c. 36.

- (a) as if in sections 16 to 18 of this Act references to the land comprised in the compulsory purchase order included references to any land held with the stratum of land constituting the underground gas storage,  
(b) as if sections 19 and 20 of this Act were omitted.

(3) Section 28 above and Schedule 3 to this Act shall not apply to a compulsory purchase to which this section applies.

### *Statutory undertakers' land*

31.—(1) This section applies to a compulsory purchase order under—

Acquisition under certain Acts of statutory undertakers' land without a certificate.  
1971 c. 78.  
1980 c. 65.

- (a) the Town and Country Planning Act 1971,  
(b) section 104 of the Local Government, Planning and Land Act 1980 (acquisition by Land Authority for Wales), or  
(c) section 142 or 143 of the said Act of 1980 (acquisition by urban development corporation),

being a compulsory purchase order authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.

(2) Notwithstanding the provisions of section 16 of, or paragraph 3 of Schedule 3 to, this Act a compulsory purchase order to which this section applies may be confirmed or made without the appropriate Minister's certificate mentioned in those provisions.

(3) Except where the appropriate Minister's certificate is given, a compulsory purchase order to which this section applies shall be of no effect unless it is confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would apart from this subsection have power to make or confirm it.

(4) Where in accordance with this section a compulsory acquisition is effected under a compulsory purchase order confirmed or made without the appropriate Minister's certificate sections 238 to 240 of the Town and Country Planning Act 1971 (measure of compensation) shall apply in accordance with section 238(1)(c) of that Act.

## PART VI

## FOOTPATHS AND BRIDLEWAYS

Power to  
extinguish  
certain public  
rights of way.

32.—(1) This section applies where land is acquired, or proposed to be acquired—

(a) in pursuance of a compulsory purchase order, or

(b) by agreement for a purpose, and by an authority, such that the compulsory acquisition of the land could be authorised by a compulsory purchase order,

and there subsists over any part of the land a public right of way, not being a right enjoyable by vehicular traffic.

1980 c. 66.

(2) If the acquiring authority is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required, the acquiring authority may by order extinguish the right of way; and Schedule 6 to the Highways Act 1980 shall have effect as to the making, confirmation, validity and date of operation of any such order.

(3) If the acquiring authority is not the Secretary of State—

(a) the order under subsection (2) above shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the acquiring authority under paragraph 2(1)(b) of Schedule 6 to the Highways Act 1980 as applied by this section, and

(b) the Secretary of State shall not confirm the order unless satisfied that this section applies, and that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required.

(4) The time specified in the order under subsection (2) above as the time from which the right of way is extinguished shall not be earlier than—

(a) confirmation of the order, or if the Secretary of State is the acquiring authority, the making of the order;

1965 c. 56.

(b) if in the exercise of the power conferred by section 11(1) of the Compulsory Purchase Act 1965, or by agreement, the acquiring authority takes possession of the land, the date on which the authority takes possession of the land;

(c) if the acquiring authority does not take possession of the land in exercise of any such power, the date on which the acquisition of the land is completed.

(5) Where a right of way is extinguished under this section at a date before the acquisition of the land is completed, then if at any time thereafter it appears to the acquiring authority that the proposal to acquire the land has been abandoned, the acquiring authority shall by order direct that the right shall revive, without prejudice, however, to the making of a new order extinguishing the right.

PART VI

(6) No order shall be made under subsection (2) above as respects a right of way over land on, over or under which there is any apparatus belonging to statutory undertakers unless the undertakers consent to the making of the order, and—

(a) the consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require, and

(b) the consent shall not be unreasonably refused.

Any question arising under this subsection whether any requirement or refusal is reasonable shall be determined by the appropriate Minister.

(7) This section shall not apply where section 214 of the Town and Country Planning Act 1971 (extinction of public rights of way over land held for planning purposes) applies. 1971 c. 78.

(8) This section applies subject to any provision to the contrary in any other Act and subject in particular to the exclusion of this Part of this Act by—

section 23(3) of the Civil Aviation Act 1949,

1949 c. 67.

section 14(2) of the Civil Aviation Act 1971,

1971 c. 75.

section 17(1) of the Airports Authority Act 1975.

1975 c. 78.

(9) Except as provided in this section nothing in this Act shall be taken to authorise the extinction of any public right of way.

33.—(1) In section 32 above “compulsory purchase order” includes—

(a) a compulsory purchase order under the Acquisition of Land (Authorisation Procedure) Act 1946, and

Land acquired before commencement of this Act.

(b) an authorisation under section 2 of that Act (which was repealed by the Statute Law Revision Act 1953.

1953 (2 & 3 Eliz. 2) c. 5.

(2) Section 32 above shall apply in relation to land acquired before the commencement of the said Act of 1946 by a local authority, being—

(a) land acquired compulsorily under any public general Act in force immediately before the commencement of the said Act of 1946 other than—

(i) the Light Railways Acts 1896 and 1912,

(ii) Part III of the Housing Act 1936,

1936 c. 51.

(iii) the Town and Country Planning Act 1944, or

1944 c. 47.

(b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

## PART VII

## SUPPLEMENTAL

Consequential  
amendments,  
transitionals  
and repeals.

34.—(1) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

(2) The transitional provisions in Schedule 5 to this Act shall have effect.

(3) The enactments and instruments specified in Schedule 6 to this Act (of which those in Part II are spent) shall be repealed to the extent specified in the third column of that Schedule.

Short title,  
commence-  
ment and  
extent.

35.—(1) This Act may be cited as the Acquisition of Land Act 1981.

(2) This Act shall come into force at the expiration of a period of three months beginning with the date on which it is passed.

(3) This Act, except so far as Schedule 4 amends any enactment which extends to Scotland or Northern Ireland, extends to England and Wales only.

## SCHEDULES

### SCHEDULE 1

Section 2(3).

#### PURCHASES BY MINISTERS

1.—(1) This Schedule has effect where a Minister is the acquiring authority.

(2) The compulsory purchase order shall be prepared in draft and shall describe by reference to a map the land to which it applies.

(3) Subject as aforesaid the form of the order shall be such as the Minister may determine.

(4) As soon as may be after the draft of the order has been prepared, and before making the order, the Minister shall comply with paragraphs 2 and 3 below.

(5) The provisions of the said paragraphs 2 and 3 as to the notice thereby required shall apply subject to such modifications of the form of the notice as appear to the Minister to be requisite.

#### *Notices in newspapers*

2.—(1) The Minister shall in two successive weeks publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the draft order is situated.

(2) The notice shall—

(a) state that the order has been prepared in draft and is about to be made,

(b) describe the land and state the purpose for which the land is required,

(c) name a place within the locality where a copy of the draft order and of the map referred to therein may be inspected, and

(d) specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the draft order can be made.

#### *Notices to owners, lessees and occupiers*

3.—(1) The Minister shall serve on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form—

(a) stating the effect of the draft order,

(b) stating that it is about to be made, and

(c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the draft order can be made.

(2) For the purposes of this paragraph an occupier being a statutory tenant within the meaning of the Rent Act 1977 or the Rent 1977 c. 42.

SCH. 1  
1976 c. 80.

(Agriculture) Act 1976 shall be deemed to be a tenant for a period less than a month.

(3) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

In this sub-paragraph "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

#### *Making of order*

4.—(1) If no objection is duly made by any such owner, lessee or occupier as is mentioned in paragraph 3 above, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order with or without modifications.

(2) If any objection made as aforesaid is not withdrawn, then, before the Minister makes the order—

- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly,
- (b) in any other case, the Minister,

shall either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by them or him for the purpose.

(3) After the objection and the report of the person who held the inquiry or the person appointed as aforesaid have been considered—

- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, by the Minister and the planning Minister acting jointly,
- (b) in any other case, by the Minister,

the Minister may make the order either with or without modifications.

(4) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister and the planning Minister acting jointly or, as the case may be, the Minister shall afford to any persons to whom it appears to them or him expedient to afford it an opportunity of being heard on the same occasion.

(5) Notwithstanding anything in sub-paragraphs (2) and (4) above, the Minister and the planning Minister acting jointly or, as the case may be, the Minister may require any person who has made an objection to state in writing the grounds thereof, and may, if satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is assessed, disregard the objection for the purposes of this paragraph.

(6) In this paragraph "highway land acquisition powers" has the meaning given by section 250(1) of the Highways Act 1980 and "the planning Minister" means the Secretary of State for the time being having general responsibility in planning matters in relation to England or Wales, as the case may be. SCH. 1  
1980 c. 66.

*Land not included in draft order*

5. The order, as made by the Minister, shall not, unless all persons interested consent, authorise the Minister to purchase compulsorily any land which the draft order would not have authorised the Minister to purchase compulsorily if it had been made without modification.

*Notices after making of order*

6. As soon as may be after the order has been made the Minister shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form—

- (a) describing the land,
- (b) stating that the order has been made, and
- (c) naming a place where a copy of the order as made and of the map referred to therein may be inspected at all reasonable hours,

and shall serve a like notice, and a copy of the order as made, on any persons on whom notices with respect to the land were required to be served under paragraph 3 above.

SCHEDULE 2

Section 3.

MINERALS

PART I

1.—(1) A compulsory purchase order may, as respects all or any of the land to which the order relates, provide for the incorporation with the compulsory purchase order of—

- (a) Part II of this Schedule (which re-enacts section 77 of the Railways Clauses Consolidation Act 1845), or
- (b) Parts II and III of this Schedule (which together re-enact sections 77 to 85 of that Act).

(2) In this Schedule, unless the context otherwise requires—

"mines" means mines of coal, ironstone, slate and other minerals,

"owner", in relation to mines or minerals, includes a lessee or occupier.

(3) In this Schedule "underlying", in relation to mines or minerals, means mines or minerals lying under, or within the prescribed distance from, the undertaking, and in this sub-paragraph "prescribed distance" means the distance prescribed by the compulsory purchase order, or if no distance is so prescribed, 40 yards.



## SCH. 2

(4) In this Schedule "the undertaking" means the undertaking which the acquiring authority is authorised to carry out by the enactment under which the purchase is authorised, but the compulsory purchase order may include such modifications of references in this Schedule to the undertaking as may be specified in the order.

## 1938 c. 52.

(5) This Schedule has effect subject to section 17(1) of the Coal Act 1938 (coal not to be alienated under enactments authorising compulsory purchase of land).

## PART II

2.—(1) The acquiring authority shall not be entitled to any mines under the land comprised in the compulsory purchase order unless they have been expressly purchased, and all mines under the land shall be deemed to be excepted out of the conveyance of that land unless expressly named and conveyed.

(2) Sub-paragraph (1) above shall not apply to minerals necessarily extracted or used in the construction of the undertaking.

## PART III

3.—(1) If the owner of any underlying mines or minerals desires to work them, he shall give the acquiring authority notice in writing of his intention to do so 30 days before the commencement of working.

(2) On receipt of the notice the acquiring authority may cause the mines to be inspected by a person appointed by them for the purpose.

(3) Subject to paragraph 4(1) below, if the acquiring authority consider that the working of the underlying mines or minerals is likely to damage the undertaking, and is willing to compensate the owner for all or any part of the mines, the owner shall not work or get them.

(4) If the acquiring authority and the owner do not agree on the amount of compensation the question shall be referred to and determined by the Lands Tribunal.

4.—(1) If before the expiration of 30 days from the receipt of notice under paragraph 3(1) above the acquiring authority do not state their willingness to treat with the owner for the payment of compensation the owner may work any of the underlying mines for which the acquiring authority has not agreed to pay compensation by proper methods and in the usual manner of working such mines in the district in question.

(2) If any damage or obstruction to the undertaking is caused by improper working of the underlying mines—

(a) the owner of the mines shall forthwith repair or remove the damage or obstruction at his own expense,

(b) the acquiring authority may, without waiting for the owner to perform his duty, or in case of his default, repair or remove the damage or obstruction and recover their expenses from the owner in proceedings in the High Court.

*Severed mines*

SCH. 2

5.—(1) If underlying mines in which any protected minerals are situated extend on both sides of the undertaking, the owner of the mines may cut and make any communication works through the protected minerals required for the ventilation, drainage and working of the mines.

(2) The communication works shall not exceed the dimensions or sections prescribed by the compulsory purchase order, and where dimensions are not so prescribed, they shall not be more than eight feet high and eight feet wide.

(3) The communication works shall not be cut or made on any part of the undertaking, or so as to injure it or impede its use.

(4) In this paragraph—

(a) “protected minerals” means mines, measures or strata the working of which is prevented under paragraph 3(3) above,

(b) “communication works” means airways, headings, gateways or water levels.

6.—(1) If underlying mines extend on both sides of the undertaking, the acquiring authority shall from time to time pay to the owner of the mines (in addition to any compensation under paragraph 3 above) any expenses and losses incurred by him in consequence of—

(a) the severance by the undertaking of the land lying over the mines,

(b) the interruption of continuous working of the mines in consequence of paragraph 3(3) above, and

(c) the mines being worked in such manner and subject to such restrictions as not to prejudice or injure the undertaking, and for any minerals not purchased by the acquiring authority which cannot be obtained by reason of the making and maintenance of the undertaking.

(2) Any dispute as to the amount payable under this paragraph shall be determined by arbitration.

7.—(1) Where works carried out under paragraph 5 above cause loss or damage to the owner or occupier of land lying over the mines the acquiring authority shall pay full compensation to him for the loss or damage.

(2) This paragraph shall not apply where the person sustaining the loss or damage is the owner of the mines.

*Powers of entry*

8.—(1) For the purpose of ascertaining whether underlying mines have been worked so as to damage the undertaking the acquiring authority may, after giving 24 hours notice in writing—

(a) enter on any land in which the mines are, or are thought to be, being worked, and which is in or near to the land where the undertaking is situated, and

(b) enter the mines and any works connected with the mines.

## SCH. 2

(2) For the said purpose the acquiring authority may make use of any apparatus or machinery belonging to the owner of the mines, and may use all necessary means for discovering the distance from the undertaking to the parts of the mines which are, or are about to be, worked.

(3) If the owner of the mines refuses to allow a person appointed by the acquiring authority for the purpose to enter the mines or works under this paragraph he shall be liable on summary conviction to a sum not exceeding £50.

*Remedial works*

9.—(1) If it appears that mines have been worked contrary to the provisions of this Schedule, the acquiring authority may give notice to the owner of the mines to construct such works and adopt such means as may be necessary or proper for making safe the undertaking, and preventing injury to it.

(2) If the owner of the mines does not comply with the notice, the acquiring authority may themselves construct the works, and may recover their expenses from the owner by proceedings in the High Court.

## Section 28.

## SCHEDULE 3

## ACQUISITION OF RIGHTS OVER LAND BY THE CREATION OF NEW RIGHTS

## PART I

1. In this Schedule "right" means a right to which section 28(1) of this Act applies, or any right to which this Schedule is applied by any Act passed after this Act.

*General modifications*

2.—(1) This Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition of a right as it applies to the compulsory acquisition of land, so that, in appropriate contexts, references in this Act to land are read as referring, or as including references, to the right acquired or to be acquired, or to land over which the right is, or is to be, exercisable, according to the requirements of the particular context.

(2) Without prejudice to the generality of sub-paragraph (1) above, Part II of this Schedule shall apply to the compulsory acquisition of a right in substitution for Part III of this Act.

## PART II

## ACQUISITION OF NEW RIGHTS OVER SPECIAL KINDS OF LAND

*Statutory undertakers land*

3.—(1) This paragraph applies where the land over which a right is to be acquired by virtue of a compulsory purchase order includes land which has been acquired by statutory undertakers for the purposes of their undertaking and on a representation made to the

appropriate Minister before the expiration of the time within which objections to the order can be made he is satisfied—

SCH. 3

- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) that an interest in any of the said land is held for those purposes.

(2) The compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of a right over any land as to which the appropriate Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

- (a) that the right can be purchased without serious detriment to the carrying on of the undertaking, or
- (b) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them,

and certifies accordingly.

*Orders subject to special parliamentary procedure*

*Local authority and statutory undertakers' land*

4.—(1) This paragraph applies to land which—

- (a) is the property of a local authority, or
- (b) has been acquired by statutory undertakers, who are not a local authority, for the purposes of their undertaking.

(2) Subject to sub-paragraph (3) below, a compulsory purchase order shall, in so far as it authorises the compulsory purchase of rights over land to which this paragraph applies, be subject to special parliamentary procedure in any case where an objection to the order has been made by the local authority, or as the case may be the statutory undertakers, and has not been withdrawn.

(3) Sub-paragraph (2) above shall not apply to the compulsory acquisition of an interest in land where the person acquiring the interest is a local authority (as defined in sub-paragraph (4) below), the Land Authority for Wales, the Peak Park Joint or Lake District Special Planning Board, any statutory undertakers or a Minister.

(4) In sub-paragraph (3) above—

“local authority” means—

(a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,

(b) in relation to Wales, the council of a county or district,

SCH. 3 and this definition applies to the Isles of Scilly as if the Council of those Isles were the council of a county ;

“statutory undertakers” has the same meaning as in section 17(3) of this Act.

*National Trust land*

5.—(1) This paragraph applies to land belonging to the National Trust which is held by the Trust inalienably.

(2) A compulsory purchase order shall, in so far as it authorises the compulsory purchase of rights over land to which this paragraph applies, be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the National Trust and has not been withdrawn.

(3) In this paragraph “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.

1907 c. cxxxvi.  
1939 c. lxxxvi.

*Commons, open spaces etc.*

6.—(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

- (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before, or
- (b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order, or
- (c) that the land affected by the right to be acquired does not exceed 250 square yards in extent, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

1980 c. 66.

(2) In the case of a compulsory purchase order under the Highways Act 1980 sub-paragraph (1)(c) above shall have effect as if after the words “extent” there were inserted the words “or the right is

required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway”.

(3) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

(4) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and for discharging the land over which any right is to be acquired from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of that right.

(5) In this paragraph—

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,

“open space” means any land laid out as a public garden, or used for the purpose of public recreation, or land being a disused burial ground.

#### *Ancient monuments*

7.—(1) This paragraph applies, subject to sub-paragraph (2) below, to land being, or being the site of—

(a) a monument with respect to which an interim preservation notice is in force, or

(b) subject to sub-paragraph (4) below, any other ancient monument as defined in the Ancient Monuments Acts 1913 and 1931.

(2) Sub-paragraph (1) above shall not include a listed building, or any land or object comprised within the curtilage of a listed building, unless the building or object—

(a) is specified in the Schedule to the Ancient Monuments Protection Act 1882, or

(b) is for the time being specified in a list published under section 12 of the Ancient Monuments Consolidation and Amendment Act 1913.



SCH. 3

(3) In so far as a compulsory purchase order authorises the purchase of a right over land to which this paragraph applies, the order shall be subject to special parliamentary procedure unless the Secretary of State is the acquiring authority or certifies that the acquiring authority has entered into an undertaking with the Secretary of State to observe such conditions as to the use of the land as in his opinion are requisite having regard to the nature thereof.

1979 c. 46.

(4) Sub-paragraph (1)(b) above is prospectively repealed by the Ancient Monuments and Archaeological Areas Act 1979 as amended by paragraph 29 of Schedule 4 to this Act, that is to say repealed by a provision which may be brought into force under section 65(2) of that Act.

(5) In this paragraph—

1953 c. 49.

“interim preservation notice” means a notice served under section 10(1) of the Historic Buildings and Ancient Monuments Act 1953,

1971 c. 78.

“listed building” has the meaning given by section 54 of the Town and Country Planning Act 1971.

*Land within more than one provision in this Schedule*

8. In the case of land falling within more than one of paragraphs 4 to 7 above, a compulsory purchase order shall be subject to special parliamentary procedure if required to be subject thereto by any of those paragraphs.

*Notice of giving of certificate*

9. As soon as may be after the giving of a certificate under this Schedule, the acquiring authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.

Section 34

## SCHEDULE 4

### CONSEQUENTIAL AMENDMENTS

*Translation of references to the Act of 1946*

1. In the enactments specified in the Table below for “Acquisition of Land (Authorisation Procedure) Act 1946” or “said Act of 1946” substitute “Acquisition of Land Act 1981”.

#### TABLE

- In the Metropolitan Police Act 1886 (c.22)  
section 4(11).
- In the Small Holdings and Allotments Act 1908 (c.36)  
section 25(1).
- In the Electricity Supply Act 1919 (c.100)  
section 11.
- In the Fire Services Act 1947 (c.41)  
section 3(5).

- In the Agriculture Act 1947 (c.48)
  - section 92(1)
  - section 93(1)(b).
- In the Electricity Act 1947 (c.54)
  - section 9(1).
- In the Public Works (Festival of Britain) Act 1949 (c.26)
  - section 5(7).
- In the Coast Protection Act 1949 (c.74)
  - section 14(1) and (3)
  - section 27(3) and (6).
- In the Mineral Workings Act 1951 (c.60)
  - section 17(3).
- In the Prison Act 1952 (c.52)
  - section 36(2).
- In the Town Development Act 1952 (c.54)
  - section 6(4).
- In the Atomic Energy Authority Act 1954 (c.32)
  - sections 5(1) and 9(3).
- In the Food and Drugs Act 1955 (4 & 5 Eliz. 2 c.16)
  - section 130(3).
- In the Underground Works (London) Act 1956 (c.59)
  - section 6(6).
- In the Housing Act 1957 (c.56)
  - paragraph 1(1) of Schedule 1
  - paragraph 1(1) of Schedule 7.
- In the Caravan Sites and Control of Development Act 1960 (c.62)
  - section 24(6).
- In the Transport Act 1962 (c.46)
  - section 15(1), (3) and (4).
- In the Water Resources Act 1963 (c.38)
  - section 65(3) and (4)
  - section 68(3).
- In the Agriculture Act 1967 (c.22)
  - section 51(7).
- In the Road Traffic Regulation Act 1967 (c.76)
  - section 30(1).
- In the Leasehold Reform Act 1967 (c.88)
  - paragraph 3(4) of Schedule 4.
- In the Housing Act 1969 (c.33)
  - section 32(2).
- In the Post Office Act 1969 (c.48)
  - section 55(1), (2) and (3).
- In the Courts Act 1971 (c.23)
  - the definition of "local authority" in paragraph 12(1) of Schedule 3.



## SCH. 4

In the Town and Country Planning Act 1971 (c.78)

section 112(4)

section 113(2)(3)

section 114(5)

section 197(a)

section 218(2)

section 274(1)

in Schedule 24 paragraph 46.

In the Gas Act 1972 (c.60)

paragraph 3(1) of Schedule 2.

In the Local Government Act 1972 (c.70)

section 121(4)

section 125(4) and (7)

In the Slaughterhouses Act 1974 (c.3)

section 30(2).

In the Housing Act 1974 (c.44)

section 3(4)

section 43(2).

In the Welsh Development Agency Act 1975 (c.70)

section 22(5).

In the Land Drainage Act 1976 (c.70)

section 37(2) and (4).

In the Development of Rural Wales Act 1976 (c.75)

section 28(1).

In the Refuse Disposal (Amenity) Act 1978 (c.3)

section 7.

In the Ancient Monuments and Archaeological Areas Act 1979  
(c.46)

section 10(2)

section 16(9).

*Land Settlement Facilities Act 1919 (c. 59)*

2.—(1) In section 2(1) of the Land Settlement Facilities Act 1919, as amended by Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946, for “paragraph (3) of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “section 11(1) of the Compulsory Purchase Act 1965”.

(2) This paragraph (like the said amendment by Schedule 4 to the said Act of 1946) shall not affect the application of the said section 2 in relation to the compulsory hiring of land or to an agreement to hire land.

*Agriculture Act 1947 (c. 48)*

3.—(1) The Agriculture Act 1947 shall be amended as follows.

(2) In section 86(4)(b) for the words from “paragraph 3” to “that paragraph” substitute “section 12 of the Acquisition of Land Act 1981.”

(3) In section 92(2) for “section one of the Act of 1946” substitute “Acquisition of Land Act 1981”.

(4) For paragraphs (a), (b) and (c) of section 92(2) substitute the following paragraphs—

SCH. 4

- “(a) where the certificate relates to land falling within Part III of the Acquisition of Land Act 1981 the certificate shall be embodied in an order of the Minister, and the said Part III shall apply accordingly;
- (b) Part I of the Compulsory Purchase Act 1965 and sections 3 and 4 of, and Schedule 2 to, the said Act of 1981 shall have effect in relation to the purchase, and anything which under those provisions may be provided by a compulsory purchase order may be provided by the said certificate;
- (c) in the application of Part IV of the said Act of 1981 to the certificate, for references to first publication of notice of the making of an order there shall be substituted references to the service of notice of the giving of the certificate, and the relevant requirements mentioned in section 23(3) of the said Act of 1981 shall include the requirements of this Act as to the proceedings to be taken before the giving of the certificate”.

*Water Act 1948 (c. 22)*

4.—(1) The Water Act 1948 shall be amended as follows.

(2) In paragraph 1 of the Schedule for “Part III of the Second Schedule to the Act of 1946” substitute “section 4 of the Acquisition of Land Act 1981”.

(3) In paragraph 5 of the Schedule—

- (a) for the words from the beginning to “ancient monuments)” substitute “Part III of the Acquisition of Land Act 1981”;
- (b) in proviso (b) for the words from “First Schedule to the Act of 1946” to the end of paragraph 5 substitute “Act of 1981 there were substituted a reference to section 16 of that Act”.

(4) For paragraph 7 of the Schedule substitute—

“7.—(1) Part IV of the Acquisition of Land Act 1981 (validity and date of operation of compulsory purchase orders) shall apply to the order as if it were a compulsory purchase order.

(2) Section 23 of the said Act shall have effect in relation to the order as if in subsection (3) the definition of “relevant requirement” included any requirement of this Schedule.

(3) Nothing in this paragraph shall prohibit or restrict the taking of legal proceedings for questioning the order so far as it relates to matters other than the compulsory acquisition of land.”

## SCH. 4

*Public Works (Festival of Britain) Act 1949 (c. 26)*

5.—(1) Section 5 of the Public Works (Festival of Britain) Act 1949 shall be amended as follows.

(2) In subsection (8)(a) for the words from “the Second Schedule” to the end of the paragraph substitute “Part I of the Compulsory Purchase Act 1965 and sections 3 and 4 of, and Schedule 2 to, the Acquisition of Land Act 1981”.

(3) In subsection (9) for “subsection (2) of section one of the Acquisition of Land (Authorisation Procedure) Act 1946” substitute “Part III of the Acquisition of Land Act 1981”.

*Civil Aviation Act 1949 (c. 67)*

6.—(1) The Civil Aviation Act 1949 shall be amended as follows.

1978 c. 4.

(2) In section 19(2A) (inserted by paragraph 9(4)(b) of Schedule 1 to the Civil Aviation Act 1978) in paragraph (a) for “(Authorisation Procedure) Act 1946” substitute “Act 1981”.

(3) In section 23(3) for “(Authorisation Procedure) Act 1946” substitute “Act 1981 other than Part VI”.

(4) In section 23(4) for “(Authorisation Procedure) Act 1946” substitute “Act 1981”.

(5) In section 28(6) of the Civil Aviation Act 1949 for the words from “(Authorisation Procedure)” to the end of the subsection substitute “Act 1981 shall apply to a compulsory purchase under this subsection”.

*Coast Protection Act 1949 (c. 74)*

7.—(1) In section 14(2) of the Coast Protection Act 1949 for “paragraph 15 of the First Schedule to the said Act of 1946” substitute “section 23(3) of the Acquisition of Land Act 1981”.

(2) In section 14(3) of the said Act of 1949 for “paragraph 15 of the First Schedule thereto”, in the first place where those words occur, substitute “section 23(3) thereof”.

*National Parks and Access to the Countryside Act 1949 (c. 97)*

8. In section 103 of the National Parks and Access to the Countryside Act 1949 before subsection (2) insert—

“(1A) The Acquisition of Land Act 1981 shall apply to the acquisition of land under this Act, and in relation to the acquisition under this Act of any interest in land the Compulsory Purchase Act 1965 shall apply with any necessary modifications”.

*Housing Repairs and Rents Act 1954 (c. 53)*

9. For section 50 of the Housing Repairs and Rents Act 1954 substitute—

“Exclusion  
of statutory  
tenants from  
receipt  
of certain  
notices.

50.—(1) This section applies for the purposes of—

(a) paragraph 3(b) of Schedule 1 to the National Parks and Access to the Countryside Act 1949 (orders designating national parks and other orders), and

(b) any local enactment regulating the service of notices in respect of the proposed exercise of any powers in relation to land.

(2) For those purposes an occupier who is a statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976 shall be deemed to be a tenant for a period less than a month."

SCH 4

*Housing Act 1957 (c. 56)*

10.—(1) Schedule 1 to the Housing Act 1957 shall be amended as follows.

(2) In paragraph 2(1) for "paragraph (b) of sub-paragraph (1) of paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "section 12 of the Acquisition of Land Act 1981".

(3) In paragraph 2(2) for "paragraph 19 of the First Schedule to" substitute "section 6 of".

*Opencast Coal Act 1958 (c. 69)*

11.—(1) The Opencast Coal Act 1958 shall be amended as follows.

(2) Before subsection (5) of section 4 insert—

"(4A) Parts II, III and IV of the Acquisition of Land Act 1981 shall apply to compulsory rights orders, subject to section 29 of that Act".

(3) In section 4(7) after "Lands Clauses Acts" insert "and the Compulsory Purchase Act 1965".

(4) Before subsection (5) of section 16 insert—

"(4A) In relation to the compulsory purchase of a right by virtue of this section—

(a) the Acquisition of Land Act 1981 shall apply, and

(b) that Act and the Compulsory Purchase Act 1965 shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the land on which the works or pipes are to be placed, and references to the obtaining or taking possession of the first mentioned land were construed as references to the exercise of the right.

(5) In Schedule 1—

(a) in paragraph 9 for "paragraphs 15 and 16 of the First Schedule to the Acquisition of Land Act" substitute "Part IV of the Acquisition of Land Act 1981 and paragraphs 15 and 16 of Schedule 1 to the Scottish Acquisition of Land Act",

(b) in paragraph 10 for "paragraph 15 of the First Schedule to the Acquisition of Land Act" substitute "section 23(4)(b) of the Acquisition of Land Act 1981 and paragraph 15 of Schedule 1 to the Scottish Acquisition of Land Act",

(c) in paragraph 11 omit the words "and to the Acquisition of Land Act", the words "and to the Scottish Acquisition of Land Act", and the words from "and paragraph 15" to the end.

## SCH. 4

(6) In paragraph 3(2) of Schedule 9 for "First Schedule to the Acquisition of Land Act or" substitute "Acquisition of Land Act 1981 or of Schedule 1 to".

*Water Resources Act 1963 (c. 38)*

12.—(1) Schedule 8 to the Water Resources Act 1963 shall be amended as follows.

(2) In paragraph 11 for "Part III of Schedule 1 to the Act of 1946" substitute "Part III of the Acquisition of Land Act 1981".

(3) In paragraph 12(4)—

(a) for the words from "Part II of Schedule 2" to "Act 1845)" substitute "Schedule 2 to the Acquisition of Land Act 1981".

(b) for "Schedule 1 to the Act of 1946" substitute "the said Act of 1981".

(4) In paragraph 12(5) for "Part III of Schedule 2 to the Act of 1946" substitute "section 4 of the said Act of 1981".

(5) In paragraph 16(6) for "Part III of Schedule 1 to the Act of 1946" substitute "Part III of the Acquisition of Land Act 1981".

*Police Act 1964 (c. 48)*

13. In section 9(2) of the Police Act 1964 for the words from "(Authorisation Procedure)" to "commencement of that Act" substitute "Act 1981 shall apply to a compulsory purchase under this section".

*Compulsory Purchase Act 1965 (c. 56)*

14.—(1) The Compulsory Purchase Act 1965 shall be amended as follows.

(2) For section 1(1) substitute—

"1.—(1) This Part of this Act shall apply in relation to any compulsory purchase to which Part II of the Acquisition of Land Act 1981, or Schedule 1 to that Act, applies, and in this Part of this Act—

(a) "the Acquisition of Land Act" means that Act,

(b) "compulsory purchase order" has the same meaning as in that Act.

(3) In section 11(1)—

(a) for "paragraph 3 of Schedule 1 to the Act of 1946" substitute "section 12(3) of the Acquisition of Land Act",

(b) for "section 8(1) of the Act of 1946" substitute "section 7(1) of the Acquisition of Land Act".

(4) For section 30 substitute—

"30. Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act."

(5) In section 31 for "paragraph 3 of Schedule 1 to the Act of 1946" substitute "section 12(3) of the Acquisition of Land Act."

(6) In section 32 for "Act of 1946" substitute "Acquisition of Land (Authorisation Procedure) Act 1946".

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(7) In Part II, in sections 33(1), 34(1), 37(1) and 38(1) for "Act of 1946" substitute "Acquisition of Land Act 1981".

(8) In section 36(1) for "Act of 1946", and for "Schedule 1 to the Act of 1946" substitute "Acquisition of Land Act 1981".

(9) In section 39(2) for "Act of 1946" substitute "Acquisition of Land (Authorisation Procedure) Act 1946".

*Agriculture Act 1967 (c. 22)*

15.—(1) The Agriculture Act of 1967 shall be amended as follows.

(2) In section 50(7) for "Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "Part IV of the Acquisition of Land Act 1981".

(3) In Schedule 5 before paragraph 7 insert—

"6A.—(1) Part IV of the Acquisition of Land Act 1981 shall with the necessary modifications (and in particular with the substitution for references to that Act of references to this Act) apply in relation to an order made under this Schedule as the said Part IV applies in relation to compulsory purchase orders.

(2) Section 6 of the Acquisition of Land Act 1981 shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the appropriate modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said section 6(4).

(3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to a public local inquiry held in pursuance of this Schedule as if the Minister there mentioned were the appropriate Minister".

*Leasehold Reform Act 1967 (c. 88)*

16.—(1) Schedule 4 to the Leasehold Reform Act 1967 shall be amended as follows.

(2) In paragraph 4 for the words from "and the provisions" to the end of that paragraph substitute "and the Acquisition of Land Act 1981 shall apply to a compulsory purchase under this paragraph".

(3) For paragraph 5(2), and for the paragraph 6(2) inserted by the Development of Rural Wales Act 1976, substitute—

"(2) The Acquisition of Land Act 1981 shall apply to a compulsory purchase under this paragraph".

*Countryside Act 1968 (c. 41)*

17.—(1) In the Countryside Act 1968 paragraph 3 of Schedule 2 shall be amended as follows.

(2) In sub-paragraph (2) for "paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "section 11 or 12 of the Acquisition of Land Act 1981".

## SCH. 4

(3) In sub-paragraph (3) for "paragraph 3 in the Act of 1946" substitute "section 11 of the said Act of 1981".

(4) In sub-paragraph (4)(a) for "the said paragraph 3 in the Act of 1946" substitute "section 11 or 12 of the said Act of 1981".

(5) In sub-paragraph (6) for "Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "Section 19 of the Acquisition of Land Act 1981".

*Transport Act 1968 (c. 73)*

18.—(1) Section 10 of the Transport Act 1968 shall be amended as follows.

(2) In subsection (3)—

(a) for "Acquisition of Land (Authorisation Procedure) Act 1946" substitute "Acquisition of Land Act 1981".

(b) except as it applies in Scotland, for the words from "apply as if" to the end of the subsection substitute "apply to the compulsory purchase".

(3) Substitute "Acquisition of Land Act 1981"—

(a) for "said Act of 1946" in subsection (4), and

(b) for "Acquisition of Land (Authorisation Procedure) Act 1946" in subsection (9)(a).

*Courts Act 1971 (c. 23)*

19. In paragraph 3 of Schedule 3 to the Courts Act 1971—

(a) in sub-paragraph (2) for "paragraph 9 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "sections 17 and 18 of the Acquisition of Land Act 1981",

(b) in sub-paragraph (3) for "Act of 1946" substitute "Act of 1981".

*Civil Aviation Act 1971 (c. 75)*

20. In section 14 of the Civil Aviation Act 1971—

(a) in subsection (2) for "Acquisition of Land (Authorisation Procedure) Act 1946" substitute "Acquisition of Land Act 1981 other than Part VI".

(b) in subsection (9)(a) for "Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 to that Act" substitute "Acquisition of Land Act 1981 and to Part VI of that Act".

*Town and Country Planning Act 1971 (c. 78)*

21.—(1) The Town and Country Planning Act 1971 shall be amended as follows.

(2) In section 114(6) for "paragraph 3(1)(b) of Schedule 1 to the said Act of 1946" substitute "section 12 of the Acquisition of Land Act 1981".

- (3) In section 115(4) for "paragraph 3(1)(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "section 12 of the Acquisition of Land Act 1981".
- (4) In section 117(3)—
- (a) for "paragraph 3(1)(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "section 12 of the Acquisition of Land Act 1981",
- (b) for "paragraph 7 of that Schedule" substitute "Schedule 1 to the said Act of 1981".
- (5) In section 117(5) for "paragraph 3(1)(b) of Schedule 1 to the said Act of 1946" substitute "section 12 of the Acquisition of Land Act 1981".
- (6) In section 121(2) for "paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "section 19 of the Acquisition of Land Act 1981".
- (7) In section 132—
- (a) in subsection (1) for "Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "Part II of the Acquisition of Land Act 1981", and for "Part II of that Schedule" substitute "Schedule 1 to that Act",
- (b) in subsection (2) for "Part I of Schedule 1 to the said Act of 1946" substitute "Part II of the Acquisition of Land Act 1981",
- (c) in subsection (3) for "paragraph 6 of Schedule 1 to the said Act of 1946" substitute "section 15 of the Acquisition of Land Act 1981".
- (8) In section 209(5)(b) for "section 3 of the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "Part VI of the Acquisition of Land Act 1981".
- (9) In section 238 (6) for the words following "the appropriate Minister's certificate" substitute "means such a certificate as is mentioned in section 16 of, or paragraph 3 of Schedule 3 to, the Acquisition of Land Act 1981".

*Local Employment Act 1972 (c. 5)*

22. In section 16 of the Local Employment Act 1972—
- (a) in subsection (1) for "Section 1 of the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "The Acquisition of Land Act 1981",
- (b) in subsection (2) for "Act of 1946" substitute "Act of 1981".

*Gas Act 1972 (c. 60)*

23. In Schedule 2 to the Gas Act 1972 for paragraph 4 substitute—
- "4. The Acquisition of Land Act 1981 shall apply to a compulsory purchase by the Corporation of land or rights in England and Wales, subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 to that Act".



## SCH. 4

*Iron and Steel Act 1975 (c. 64)*

24. In section 9 of the Iron and Steel Act 1975—

(a) in subsection (1) for “Acquisition of Land (Authorisation Procedure) Act 1946” substitute “Acquisition of Land Act”,

(b) for subsection (3) substitute—

“(3) In this section the “Acquisition of Land Act” means—

(a) in its application to England and Wales, the Acquisition of Land Act 1981,

(b) in its application to Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947”.

*Airports Authority Act 1975 (c. 78)*

25. In section 17 of the Airports Authority Act 1975—

(a) in subsection (1) for “Acquisition of Land (Authorisation Procedure) Act 1946 other than section 3” substitute “Acquisition of Land Act 1981 other than Part VI”,

(b) in subsection (7)(a) for “Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 of that Act” substitute “Acquisition of Land Act 1981 and to Part VI of that Act”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

26. For subsection (5) of section 13 of the Local Government (Miscellaneous Provisions) Act 1976 substitute—

“(5) In this section “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981, and Schedule 3 to that Act shall apply to the compulsory purchase of rights by virtue of subsection (1) above.”

*Development of Rural Wales Act 1976 (c. 75)*

27.—(1) The Development of Rural Wales Act 1976 shall be amended as follows.

(2) In section 6(2)(b) for the words from “order” to the end of the paragraph substitute “to which the Acquisition of Land Act 1981 shall apply”.

(3) At the end of section 6(5) add “and Schedule 3 to the Acquisition of Land Act 1981 shall apply where the compulsory purchase order is made under that Act”.

*National Health Service Act 1977 (c. 49)*

28. For section 87 (4) of the National Health Service Act 1977 substitute—

“(4) The Acquisition of Land Act 1981 shall apply to the compulsory purchase of land under this section”.

*Ancient Monuments and Archaeological  
Areas Act 1979 (c. 46)*

SCH. 4

29. In Schedule 5 to the Ancient Monuments and Archaeological Areas Act 1979 at the end of the repeals add—

"1981 c. 67. The Acquisition of Land Act 1981. Section 20(1)(b). In Schedule 3 paragraph 7(1)(b)."

*Local Government, Planning and Land Act 1980 (c. 65)*

30.—(1) The Local Government, Planning and Land Act 1980 shall be amended as follows.

(2) In section 104, in subsections (3) and (4)(a), for "1946" substitute "1981".

(3) In section 109 for the definition of the "1946 Act" substitute—  
" 'the 1981 Act' means the Acquisition of Land Act 1981 ".

(4) In section 120(1) for "Acquisition of Land Acts" substitute "Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947" and for "local authority" substitute "regional, islands or district council".

(5) In section 142 after subsection (2) insert—

"(2A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land in pursuance of subsection (1) or (2) above".

(6) In section 142(5) for "1946 Act" substitute "1981 Act, and Schedule 3 to that Act shall apply to the compulsory purchase of a right by virtue of subsection (4) above".

(7) In section 143 after subsection (3) insert—

"(3A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land under this section".

(8) In section 144(2) for "1946 Act" substitute "1981 Act", and for "142(3) and 143(4)" substitute "142 and 143".

(9) In section 171 for the definition of the "1946 Act" substitute—  
" 'the 1981 Act' means the Acquisition of Land Act 1981 ".

(10) In Part I of Schedule 20—

(a) in paragraph 1 for "1946" substitute "1981",

(b) in paragraph 2(1) for "Part I of Schedule 1" substitute "section 2(2)".

(c) in paragraph 2(2) for "paragraph 6 of Schedule 1" substitute "section 15",

(d) in paragraph 4(a) for "paragraph 3(1)(b) of Schedule 1" substitute "section 12",

(e) in paragraph 4(c) for "paragraph 4 of that Schedule" substitute "section 13".

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(11) In Schedule 21, in paragraph 13, for "1946" substitute "1981".

(12) In Schedule 28—

(a) in paragraph 1 for "1946" substitute "1981".

(b) at the end of paragraph 1 add "and in paragraph 2 below as it applies in England and Wales for "Part I of Schedule 1" and "paragraph 6 of Schedule 1" substitute respectively "section 2(2)" and "section 15".

*Highways Act 1980 (c. 66)*

31.—(1) The Highways Act 1980 shall be amended as follows.

(2) In section 238(2) for "Act of 1946" substitute "Acquisition of Land Act 1981".

(3) In section 246(4)(a) for "paragraph 3(1)(a) of Schedule 1 to the Act of 1946" substitute "section 11 of the Acquisition of Land Act 1981".

(4) In section 247 for subsections (2) to (4) substitute—

"(2) The Acquisition of Land Act 1981 shall, subject to subsection (5) below, apply to the compulsory acquisition of land under any of the foregoing provisions of this Part of this Act".

(5) In section 247(5) for the words from "section 1(2)" to "Schedule 1 to that Act" substitute "Part III of the Acquisition of Land Act 1981".

(6) After section 250(3) insert—

"(3A) Schedule 3 to the Acquisition of Land Act 1981 shall apply to the compulsory purchase of a right by virtue of this section".

(7) In section 250(5) for paragraphs (a) and (b) substitute—

"(a) Part II of Schedule 19 to this Act has effect for the adaptation of Part I of the Act of 1965 to cases of compulsory acquisition of rights".

(8) In section 254(1) (after paragraph (c)), for the words from "notwithstanding" to "prevents" substitute "nothing in Part III of, or Schedule 3 to, the Acquisition of Land Act 1981 shall prevent".

(9) In section 254(6) for "Act of 1946" substitute "Acquisition of Land Act 1981".

(10) In subsections (1), (2) and (4) of section 257 for "Schedule 1 to the Act of 1946" substitute "Acquisition of Land Act 1981".

(11) In section 258(1) for "Schedule 1 to the Act of 1946" substitute "Part II of, or Schedule 1 to, the Acquisition of Land Act 1981".

(12) In section 259(1)—

(a) for "Part I of Schedule 1 to the Act of 1946" substitute "Part II of the Acquisition of Land Act 1981".

(b) for "Part II of the Schedule" substitute "Schedule 1 to that Act", SCH. 4

(c) for "said Schedule 1" substitute "Acquisition of Land Act 1981".

(13) In section 259(2) for the words from "paragraph 6" to "that Schedule" substitute "section 15 of the Acquisition of Land Act 1981 or as the case may be paragraph 6 of Schedule 1 to that Act".

(14) In section 322(5)(a) for "Schedule 1 to the Act of 1946" substitute "Part II of, or Schedule 1 to, the Acquisition of Land Act 1981".

*Animal Health Act 1981 (c. 22)*

32. At the end of section 55(2) of the Animal Health Act 1981 add "and the Acquisition of Land Act 1981 shall apply to a compulsory purchase under this section by such a local authority".

*New Towns Act 1981 (c. 64)*

33. In section 72(2) of the New Towns Act 1981 for "section 6(3) of the Acquisition of Land (Authorisation Procedure) Act 1946" substitute "section 9 of the Acquisition of Land Act 1981".

SCHEDULE 5

Section 34.

TRANSITIONAL

*References to old law to include new law*

1.—(1) This paragraph is without prejudice to section 17(2)(a) of the Interpretation Act 1978 as extended to the interpretation of 1978 c. 30. subordinate legislation and instruments and documents by section 23(2) and (3) of that Act.

(2) Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or as the context requires, as including a reference, to the corresponding provision of this Act.

*References to new law to include old law*

2. Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 4 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the nature of the reference permits, be construed as including, in relation to the circumstances or purposes in relation to which the corresponding provision in the enactments repealed by this Act has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purpose of, that corresponding provision.

*Periods of time*

3. Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

## SCH. 5

*Successor authorities*

4.—(1) Any reference in this Act (whether express or implied) to a thing done by a Minister, or by a local authority, under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done by a predecessor authority under the corresponding enactment repealed by this Act.

(2) In this paragraph “predecessor authority” means—

- (a) where the relevant function has been transferred from one Minister to another, the Minister from whom the function was transferred,
- (b) where the relevant function has been transferred from one local authority to another, under any enactment (including in particular the London Government Act 1963, the Local Government Act 1972 and the Water Act 1973) the authority from whom the function was transferred.

1963 c. 33.  
1972 c. 70.  
1973 c. 37.

*Construction of enactments applying the 1946 Act*

5. Section 1(1)(a) of this Act includes in particular a compulsory purchase “in relation to” which this Act applies or has effect by virtue of any enactment in which this Act substitutes a reference to this Act for a reference to the Acquisition of Land (Authorisation Procedure) Act 1946.

1946 c. 49.

*Local authority and statutory undertakers land excluded from compulsory purchase*

6. Section 17(3) and paragraph 4(3) of Schedule 3 above—

- (a) shall not apply where the notice of the making or preparation in draft of the compulsory purchase order was first duly published before 6th April 1976,
- (b) shall have effect, in relation to the period before 13th November 1980, as if the persons there mentioned included a development corporation as defined in section 3(1) of the New Towns Act 1981 and a joint Board established (in England) under section 2 of the Community Land Act 1975.

1975 c. 77.

*Extinguishment of certain public rights of way*

7. The repeal by this Act of section 3 of the Acquisition of Land (Authorisation Procedure) Act 1946 shall not affect any order under that section if—

- (a) it was made before 3rd August 1968, or
- (b) a notice relating to the order was published pursuant to subsection (2) of the said section 3 before that date,

and Part VI of this Act shall not apply to the order.

## SCHEDULE 6

## Section 34.

## REPEALS

## PART I

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 49.	Acquisition of Land (Authorisation Procedure) Act 1946.	The whole Act except sections 6(1) and 10 and Schedule 4.
10 & 11 Geo. 6. c. 41.	Fire Services Act 1947.	In section 3(5) the words from "as if" to the end of the subsection. In section 8(3) the words "The Acquisition of Land (Authorisation Procedure) Act 1946 and" and the words "in the said Act of 1946 and".
10 & 11 Geo. 6. c. 48.	Agriculture Act 1947.	In section 92(1) the words from "and that Act" to the end of the subsection.
10 & 11 Geo. 6. c. 51.	Town and Country Planning Act 1947.	Section 49(8). In section 119(1) the definitions of "land" and "local authority". In Schedule 8 the amendments of the Acquisition of Land (Authorisation Procedure) Act 1946.
10 & 11 Geo. 6. c. 54.	Electricity Act 1947.	In section 9, in subsection (1) the words from "as if" to the end of the subsection.
11 & 12 Geo. 6. c. 22.	Water Act 1948.	In the Schedule, in paragraph 8(1) the words from "the Act of 1946" to "and the expression".
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	In section 19(2A) the words from "as if" to the end of the subsection. In section 23(3) the words from "as if" to the end of the proviso.
12, 13 & 14 Geo. 6. c. 74.	Coast Protection Act 1949.	In section 14(1) the words "as if this Act had been in force immediately before the commencement of that Act".
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	In section 103 subsections (2) and (4) and in subsection (6) the words from "and the provisions" to the end of the subsection.
14 & 15 Geo. 6. c. 60.	Minerals Workings Act 1951.	In section 17(3) the words from "as if" to the end of the subsection.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 52.	Prison Act 1952.	In section 36(2) the words from "as if" to the end of the subsection.

## SCH. 6

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 and 1 Eliz. 2. c. 54. 1953 c. 49.	Town Development Act 1952.  Historic Buildings and Ancient Monuments Act 1953.	In section 6(4) the words from "as if" to the end of the subsection. In section 20 paragraph (a).
2 & 3 Eliz. 2. c. 32.	Atomic Energy Act 1954.	In section 5(1) the words from "as if" to "commencement thereof".
4 & 5 Eliz. 2. c. 16.	Food and Drugs Act 1955.	In section 130(3) the words from "as if" to the end of the subsection.
4 & 5 Eliz. 2. c. 59.	Underground Works (London) Act 1956.	In section 6(6) the words from "and that Act" to the end of the subsection.
5 & 6 Eliz. 2. c. 56.	Housing Act 1957.	In Schedule 1, in paragraph 1(1), the words "as if this Act had been in force immediately before the commencement of that Act". In Schedule 7, in paragraph 1(1), the words "as if this Act had been in force immediately before the commencement of that Act".
6 & 7 Eliz. 2. c. 69.	Opencast Coal Act 1958.	Section 4(5). Section 16(5). In section 47(2) the words from "(including" to "this Act)". In section 51(1) the definition of "the Acquisition of Land Act". In Schedule 2 Part I. In Schedule 10 paragraph 7.
8 & 9 Eliz. 2. c. 62.	Caravan Sites and Control of Development Act 1960.	In section 24(6) the words from "as if" to the end of the subsection.
9 & 10 Eliz. 2. c. 33.	Land Compensation Act 1961.	In Schedule 4 paragraphs 6 and 7.
10 & 11 Eliz. 2. c. 46.	Transport Act 1962.	In section 15, in subsection (1) the words from "as if" to "that Act".
1963 c. 33.	London Government Act 1963.	In Schedule 17 paragraph 8.
1963 c. 38.	Water Resources Act 1963.	In section 65(3) the words from "and accordingly" to the end of the subsection. Section 71(5).
1964 c. 48.	Police Act 1964.	In Schedule 8 paragraph 17. In section 9(3) the words "and the Acquisition of Land (Authorisation Procedure) Act 1946".

Chapter	Short Title	Extent of Repeal
1965 c. 36.	Gas Act 1965.	In section 12(1) the words from "and Part I" to the end of the subsection. In section 13(2) the words from "and Part I" to the end of the subsection. In section 13(3) the words "and Part I of Schedule 4 to this Act shall apply in relation to the compulsory purchase". In Schedule 4 paragraphs 1 and 2.
1965 c. 56.	Compulsory Purchase Act 1965.	In section 1, in subsections (2) and (3) the words "under the Act of 1946". In Schedule 7 the amendment of the Agriculture Act 1947.
1967 c. 22.	Agriculture Act 1967.	In section 51(7) the words from "as if" to "commencement of that Act". In Schedule 5, in paragraph 7(1) the words from "Acquisition of Land" where they first occur to "case may be", paragraph 7(2) and in paragraph 7(3) the words from the beginning to "public local inquiries".
1967 c. 76.	Road Traffic Regulation Act 1967.	In section 30(1) the words from "as if" to "commencement of that Act".
1968 c. 41.	Countryside Act 1968.	In Part I of Schedule 3 the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946 (that is, all between the entries relating to the Water Act 1945 and the Highways Act 1959).
1968 c. 72.	Town and Country Planning Act 1968.	Section 31.
1969 c. 33.	Housing Act 1969.	Section 59. In section 32(2) the words from "as if" to the end of the subsection.
1969 c. 48.	Post Office Act 1969.	In section 55(1) the words from "as if" to the end of the subsection. In Schedule 4, in paragraph 93 sub-paragraphs (1)(iv) and (2)(iv).
1971 c. 75.	Civil Aviation Act 1971.	In Schedule 5 paragraph 5(b).
1971 c. 78.	Town and Country Planning Act 1971.	In section 112(4) the words from "and accordingly" to the end of the subsection. In section 113(3) the words from "as it applies" to the end of the subsection.



## SCH. 6

Chapter	Short Title	Extent of Repeal
1971 c. 78— <i>cont.</i>	Town and Country Planning Act 1971— <i>cont.</i>	In section 114(5) the words from “and accordingly” to the end of the subsection. In section 218(2) the words from “and accordingly” to the end of the subsection. Section 229. In Schedule 23 the amendment of the Town and Country Planning Act 1968.
1972 c. 60.	Gas Act 1972.	In Schedule 2, in paragraph 5 the words “The Act of 1946 and”, and paragraphs 6 to 11.
1972 c. 70.	Local Government Act 1972.	In section 121(4) the words from “as if” to the end of the subsection. In section 125(4) the words from “as if that subsection” to “commencement of that Act”.
1973 c. 26.	Land Compensation Act 1973.	Section 64.
1974 c. 3.	Slaughterhouses Act 1974.	In section 30(2) the words from “as if” to the end of the subsection.
1974 c. 44.	Housing Act 1974.	In section 3(4) the words from “as if” (where they first occur) to the end of the subsection. In section 43(2) the words from “as if” to the end of the subsection.
1975 c. 56. 1975 c. 64.	Coal Industry Act 1975. Iron and Steel Act 1975.	In Schedule 3 paragraph 10. In section 9(1) the words from “as if” to the end of the subsection.
1975 c. 70.	Welsh Development Agency Act 1975.	In section 22(5) the words from “as if” to the end of the subsection.
1975 c. 78.	Airports Authority Act 1975.	In section 17(1) the words from “as if” to the end of the subsection. In section 19(1) the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	In section 13, in subsection (2) the words from the beginning to “1946 and”, subsection (3)(a) and in subsection (3)(b) the words from “(which relates” to “Act of 1946”.
1976 c. 70.	Land Drainage Act 1976.	In Schedule 1 Part I. In section 37(2) the words from “as if” to the end of the subsection.

SCH. 6

Chapter	Short Title	Extent of Repeal
1976 c. 75.	Development of Rural Wales Act 1976.	In section 6, in subsection (2) the words (following paragraph (b)) from "and for the purpose" to the end of the subsection, in subsection (6) the words from the beginning to "1946 and", subsection (7)(a) and in subsection (7)(b) the words from "(which relates" to "Act of 1946)". In Schedule 4 Part I.
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8 paragraph 3.
1977 c. 42.	Rent Act 1977.	In Schedule 23 paragraph 11.
1978 c. 3.	Refuse Disposal (Amenity) Act 1978.	In section 7 the words from "as if" to the end of the section.
1979 c. 46.	Ancient Monuments and Archaeological Areas Act 1979.	In section 10(2) the words from "as it" to the end of the subsection. In section 16(9) the words from "as it" to the end of the subsection.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In section 104(3) the words from "as if" to the end of the subsection. In section 120(1) in paragraph (a) the words from "6th April 1976" to "Scotland", and in paragraph (b) the words from "the Peak" to "Planning Board". In section 120(2) the words "the Act of 1946 or, as the case may be" and the words "the National Trust or". Section 120(3), except for the definition of "statutory undertakers", and in paragraph (b) of that definition the words "the Town and Country Planning Act 1971 or". In section 120(5) the words "in section 2 of the New Towns Act 1965 or". In section 142(3) the words "The 1946 Act and" and in paragraph (a) the words "the 1946 Act or (as the case may be)". In section 143(4) the words "The 1946 Act and" and the words "the 1946 Act or (as the case may be)".

## SCH. 6

Chapter	Short Title	Extent of Repeal
1980 c. 65. —cont.	Local Government Planning and Land Act 1980. —cont.	In Schedule 17, in paragraph 5 the entry (in both columns) for section 41 of the 1975 Act. In Schedule 20 paragraph 3. In Schedule 21 paragraph 14. In Schedule 23 paragraph 1. In Schedule 28 paragraph 3, in paragraph 21(1) the words “The 1946 Act and”, paragraph 21(2)(a) and paragraph 22.
1980 c. 66.	Highways Act 1980.	In section 250(4) the words “1946 and”. In section 329(1) the definition of the “Act of 1946”. Section 340(2)(c). In Schedule 19 Part I.
1981 c. 22.	Animal Health Act 1981.	In section 55(3) the words “the Acquisition of Land (Authorisation Procedure) Act 1946 and”.
1981 c. 38.	British Telecommunications Act 1981.	In Schedule 3 paragraphs 10(1)(a) and 11(1)(a).

The repeals by this Act in section 13 of the Local Government (Miscellaneous Provisions) Act 1976 shall not affect section 82(1) of that Act (power to make consequential repeals or amendments).

## PART II

## SPENT PROVISIONS

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	Children and Young Persons Act 1933.	Section 96(5).
9 & 10 Geo. 6. c. 49.	Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4 the amendment of the Children and Young Persons Act 1933.
10 & 11 Geo. 6. c. 41.	Fire Services Act 1947.	In section 3(5) the proviso.
10 & 11 Geo. 6. c. 54.	Electricity Act 1947.	In subsections (1) and (2) of section 9 the words “(except section two thereof)”.
11 & 12 Geo. 6. c. 29.	National Assistance Act 1948.	Section 58.

SCH. 6

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 26.	Public Works (Festival of Britain) Act 1949.	Section 5(7)(a).
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	In section 28(6) the words "except section 2 thereof".

PART III

STATUTORY INSTRUMENTS

Serial number	Short Title	Extent of Repeal
S.I. 1965/145.	Transfer of Functions (Shipping and Construction of Ships) Order 1965.	In Schedule 1 the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
S.I. 1965/319.	Secretary of State for Wales and Minister of Land and Natural Resources Order 1965.	In Part I of Schedule 1 the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946.
S.I. 1967/486.	Transfer of Functions (Miscellaneous) Order 1967.	In Schedule 2 the amendment of the Acquisition of Land (Authorisation Procedure) Act 1946.
S.I. 1969/388.	Transfer of Functions (Wales) Order 1969.	Article 4(1)(c).
S.I. 1970/1681.	Secretary of State for the Environment Order 1970.	In Schedule 3 paragraph 15.
S.I. 1976/1775.	Secretary of State for Transport Order 1976.	In Schedule 2 paragraph 4.

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Status:  Law In Force

## Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Preliminary

This version in force from: **April 1, 2005 to present** (version 2 of 2) 

## 1.— Application of Part I and interpretation.

[

(1) This Part of this Act shall apply in the relation to any compulsory purchase to which Part II of the Acquisition of Land Act 1981, or Schedule 1 to that Act, applies, and in this part of this Act—

(a) '*the Acquisition of Land Act*' means that Act,

(b) '*compulsory purchase order*' has the same meaning as in that Act.

] <sup>1</sup>

(2) In construing this Part of this Act the enactment under which the purchase is authorised and the compulsory purchase order[...] <sup>2</sup> shall be deemed to be the special Act.

(3) In this Part of this Act, unless the context otherwise requires,—

"*acquiring authority*" means the person authorised by the compulsory purchase order[...] <sup>2</sup> to purchase the land;

"*land*" includes anything falling within any definition of that expression in the enactment under which the purchase is authorised;

"*lease*" includes an agreement for a lease;

"*notice to treat*" has the meaning given by section 5 of this Act;

"*subject to compulsory purchase*", in relation to land, means land the compulsory purchase of which is authorised by the compulsory purchase order.

(4) In this Part of this Act "*the works*" or "*the undertaking*" means the works or undertaking, of whatever nature, authorised to be executed by the special Act:

Provided that where this Part of this Act applies by virtue of [Part IX of the Town and Country Planning Act 1990 or section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990] <sup>2</sup> references in this Part of this Act to the execution of the works shall be construed in accordance with [section 245(4) of the Town and Country Planning Act 1990 or, as the case may be, section 52(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990] <sup>2</sup>.

[...] <sup>4</sup>

(6) Where under this Act any notice is to be given to the owner of any land or where any act is authorised or required to be done with the consent of any such owner, the word "*owner*" shall, unless the context otherwise requires, mean any person having power to sell and convey the land to the acquiring authority.

## Notes

1. S. 1(1) substituted by Acquisition of Land Act 1981 (c.67), Sch. 4 para. 14(2)
2. Words repealed by Acquisition of Land Act 1981 (c.67), Sch. 6 Pt. I
3. Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 13(1)(a)
4. Repealed by Courts Act 2003 c. 39 Sch.10 para.1 (April 1, 2005 as SI 2005/547)

## Modifications

Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)

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Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

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Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. 1 s. 168

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**Subject:** Planning

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## Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Preliminary

This version in force from: **January 1, 1966 to present**

 (version 1 of 1) 

## 2. Persons without power to sell their interests.

Schedule 1 to this Act (which gives owners power to sell to the acquiring authority) shall have effect for the purposes of this Act.

1 2 3

#### Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
3. S.2 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273 (1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

#### Modifications

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**Subject:** Planning **Other related subjects:** Real property

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**Compulsory Purchase Act 1965 c. 56**

**Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946**

**Preliminary**

This version in force from: **September 25, 1991 to present**

(version 2 of 2)

### 3. Acquisition by agreement in pursuance of compulsory purchase order.

It shall be lawful for the acquiring authority to agree with the owners of any of the land subject to compulsory purchase, and with all parties having an estate or interest in any of the land, or who are by Schedule 1 to this Act or any other enactment enabled to sell and convey or release any of that land, for the absolute purchase, for a consideration in money [or money's worth]<sup>1</sup>, of any of that land, and of all estates and interests in the land.

#### Notes

- <sup>1</sup>. Words added by Planning and Compensation Act 1991 c. 34 Sch.15(1) para.3 (September 25, 1991)

#### Modifications

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- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)
- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Acquisition of land; Agreements; Compulsory purchase orders; Dogs

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Compulsory purchase

This version in force from: **July 13, 2016** to **present**

  (version 2 of 2) 

#### [ 4 Time limit for giving notice to treat

A notice to treat may not be served by the acquiring authority after the end of the period of 3 years beginning with the day on which the compulsory purchase order becomes operative.

] <sup>1</sup>

#### Notes

1. Substituted by Housing and Planning Act 2016 c. 22 Pt 7 s.182(1) (July 13, 2016: substitution has effect subject to saving and transitional provisions specified in SI 2016/733 reg.7)

#### Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)

Modified by Chester Guided Busway Order 2002/412, Pt III art. 17

Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)

Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)

Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)

Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)

Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

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- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24
- Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)
- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168
- Pt I  
s. 4 Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Pt 3 art. 14(2)(a)
- Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Pt 3 art. 19
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Pt 3 art. 23(2)(a)
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Pt III art. 6(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Pt III art. 9(2)(a), Pt III art. 9(1)
- Modified by Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002/1943, art. 4(2)(a)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(II) para. 3(2), Pt I s. 4
- Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Pt 3 art. 23(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 3(2), s. 6
- Modified in relation to the acquisition of land under SI 2013/1967 by Croxley Rail Link Order 2013/1967, Pt 3 art. 17(2)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Pt 3 art. 21(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(2)
- Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Pt 3 art. 21(2), Pt 6 art. 43
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(2)
- Modified by East Midlands Parkway Station (Land Acquisition) Order 2005/8, Pt 2 art. 4(2)(a)
- Modified in relation to the acquisition of land under SI 2014/1821 by Felixstowe Branch Line (Land Acquisition) Order 2014/1821, Pt 2 art. 4(2)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Pt 2 art. 4(2)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Pt III art. 25(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Pt III art. 25(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1995/2383, art. 4(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1998/2919, art. 4(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 2001/1369, Pt II art. 4(2)(a)
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Park) Order 2001/1367, Pt III art. 7(2)(a)
- Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Pt 2 art. 4(2)
- Modified in relation to the acquisition of land under SI 2013/1933 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Pt 3 art. 22(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(2)(a)
- Modified by Leeds Supertram (Land Acquisition and Road Works) Order 2001/1348, Pt II art. 4(2)(a)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(2)(a)
- Modified by London Gateway Port Harbour Empowerment Order 2008/1261, Pt 4 art. 29(2)(a)
- Modified by London Underground (East London Line Extension) Order 1997/264, Pt III art. 18(2)(a)
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Pt 3 art. 26(2)(a)
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)(a)
- Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Pt 3 art. 18(2)
- Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Pt 3 art. 17(2)
- Modified by Network Rail (Seaham Level Crossing) Order 2013/533, Pt 3 art. 6(1)(b)
- Modified by Network Rail (Seaham Level Crossing) Order 2013/533, Pt 3 art. 6(2)
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Pt 3 art. 25(2)(a)
- Modified by Network Rail (West Coast Main Line) (Stowe Hill) Order 2006/3471, art. 4(2)(a)
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(2)(a)
- Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(2)
- Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Pt III art. 10(2)(a)
- Modified by Planning Act 2008 c. 29, Pt 7 c. 1 s. 125(3)(a)
- Modified by Port of Ipswich Harbour Revision Order 2006/554, Pt 3 art. 15(2)(a)
- Modified by Railtrack (Leeds Bridges) Order 1999/2336, Pt III art. 13(2)(a)
- Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Pt 3 art. 22(2)



Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Pt III art. 16(2)(a)  
 Modified by River Tyne (Tunnels) Order 2005/2222, Pt 3 art. 22(2)(a)  
 Modified by Saundersfoot Harbour Empowerment Order 2011/1565, Pt 3 art. 17(2)  
 Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Pt III art. 19(2)(a)  
 Modified by South Hampshire Rapid Transit Order 2001/3627, Pt III art. 36(2)(a)  
 Modified by Teesport (Land Acquisition) Order 2008/1238, Pt 2 art. 4(2)  
 Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)  
 Modified in relation to the acquisition of land under SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Pt 3 art. 27(2)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(2)(a)  
 Modified by Welsh Highland Railway Order 1999/2129, Pt III art. 15(2)(a)

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**Subject:** Planning

**Keywords:** Compulsory purchase; Compulsory purchase orders; Dogs; Local authorities' powers and duties; Time limits

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

### Compulsory purchase

This version in force from: **July 13, 2016 to present**

  (version 1 of 1)  

#### [ 4A Extension of time limit during challenge

- (1) If an application is made under section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4 is to be extended by—
- (a) a period equivalent to the period beginning with the day the application is made and ending on the day it is withdrawn or finally determined, or
  - (b) if shorter, one year.
- (2) An application is not finally determined for the purposes of subsection (1)(a) if an appeal in respect of the application—
- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
  - (b) has been made and not withdrawn or finally determined.

] <sup>1</sup>

#### Notes

1. Added by Housing and Planning Act 2016 c. 22 Pt 7 s.202(1) (July 13, 2016: insertion has effect subject to saving and transitional provisions specified in SI 2016/733 reg.9)

#### Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

**Subject:** Planning **Other related subjects:** Real property

Status: ☒ Law In Force / ☐ Amendment(s) Pending

**Compulsory Purchase Act 1965 c. 56**

**Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946**

**Compulsory purchase**

This version in force from: **June 1, 2009 to present**

  (version 3 of 4)  

**5.— Notice to treat, and untraced owners.**

(1) When the acquiring authority require to purchase any of the land subject to compulsory purchase, they shall give notice (hereafter in this Act referred to as a "*notice to treat*") to all the persons interested in, or having power to sell and convey or release, the land, so far as known to the acquiring authority after making diligent inquiry.

(2) Every notice to treat—

(a) shall give particulars of the land to which the notice relates,

(b) shall demand particulars of the recipient's estate and interest in the land, and of the claim made by him in respect of the land, and

(c) shall state that the acquiring authority are willing to treat for the purchase of the land, and as to the compensation to be made for the damage which may be sustained by reason of the execution of the works.

[

(2A) A notice to treat shall cease to have effect at the end of the period of three years beginning with the date on which it is served unless—

(a) the compensation has been agreed or awarded or has been paid or paid into court,

(b) a general vesting declaration has been executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981,

(c) the acquiring authority have entered on and taken possession of the land specified in the notice, or

(d) the question of compensation has been referred to the [Upper Tribunal] <sup>2</sup>.

(2B) If the person interested in the land, or having power to sell and convey or release it, and the acquiring authority agree to extend the period referred to in subsection (2A) of this section, the notice to treat shall cease to have effect at the end of the period as extended unless—

(a) any of the events referred to in that subsection have then taken place, or

(b) the parties have agreed to a further extension of the period (in which case this subsection shall apply again at the end of the period as further extended, and so on).

(2C) Where a notice to treat ceases to have effect by virtue of subsection (2A) or (2B) of this section, the acquiring authority—

(a) shall immediately give notice of that fact to the person on whom the notice was served and any other person who, since it was served, could have made an agreement under subsection (2B) of this section, and

(b) shall be liable to pay compensation to any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect.

(2D) The amount of any compensation payable under subsection (2C) shall, in default of agreement, be determined by the [Upper Tribunal] <sup>2</sup>.

(2E) Compensation payable to any person under subsection (2C) shall carry interest at the rate prescribed under section 32 of the Land Compensation Act 1961 from the date on which he was entitled to be given notice under that subsection until payment.

] <sup>1</sup>

(3) Schedule 2 to this Act (which relates to absent or untraced owners) shall have effect for the purposes of this Act.

**Notes**

- <sup>1</sup>. Added by Planning and Compensation Act 1991 c. 34 Pt III s.67 (September 25, 1991 subject to transitional provisions specified in SI 1991/2067 art.4)
- <sup>2</sup>. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.60 (June 1, 2009)

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Dogs; Local authorities' powers and duties; Owners; Purchase notices

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Compulsory purchase

This version in force from: **June 1, 2009 to present**

(version 2 of 2)

#### 6. Reference to [Upper Tribunal] <sup>1</sup>.

If a person served with a notice to treat does not within twenty-one days from the service of the notice state the particulars of his claim or treat with the acquiring authority in respect of his claim, or if he and the acquiring authority do not agree as to the amount of compensation to be paid by the acquiring authority for the interest belonging to him, or which he has power to sell, or for any damage which may be sustained by him by reason of the execution of the works, the question of disputed compensation shall be referred to the [Upper Tribunal] <sup>1</sup>.

#### Notes

Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.61 (June 1, 2009)

#### Modifications

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**Subject:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Particulars of claim; References; Upper Tribunal

Status:  Law In Force

Compulsory Purchase Act 1965 c. 56

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Compulsory purchase

This version in force from: **January 1, 1966 to present**

(version 1 of 1)

## 7. Measure of compensation in case of severance.

In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the value of the land to be purchased by the acquiring authority, but also to the damage, if any, to be sustained by the owner of the land by reason of the severing of the land purchased from the other land of the owner, or otherwise injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.

1 2 3

## Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
3. S. 7 applied by Developing of Rural Wales Act 1976 (c.75), s. 5(1), Sch. 3 para. 35(3) and Post Office (Subway) Act 1966 (c. 25), s. 2(2); extended by Town and Country Planning Act 1990 (c.8), s. 237(4)(a), Housing Act 1988 (c.50), s. 78(2)(a), Sch. 10 Pt. II para. 5(4), and Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3 (1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

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- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168
- Pt I  
s. 7 Modified in relation to compensation and compulsory purchase enactments for creation of new rights by A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014/2269, Sch. 6 para. 4, Pt 5 art. 20(6)
- Modified in relation to the purchase of new rights under 1992 c. iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 1
- Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Sch. 4 para. 4
- Modified in relation to the compulsory acquisition under SI 2013/3244 art.26 of a right over land by the creation of a new right by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 4
- Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 1
- Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Sch. 3 para. 4
- Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 1
- Modified in relation to the purchase of new rights by British Railways Act 1992 c. i, Sch. 2 para. 1
- Modified by British Railways Act 1994 c. iv, Sch. 2 para. 1
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 4, Pt 3 art. 25
- Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 1
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 4, Pt 5 art. 21
- Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(a), Pt V s. 37
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 2, Pt III art. 7(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 2, Pt III art. 10(2) (a)



Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(2), Pt I s. 4

Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 4, Pt III art. 18

Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Sch. 10 para. 4, Pt 3 art. 25

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Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 3, Pt I s. 4C(5)

Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 4

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Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(2), s. 6

Modified for the purposes specified in SI 2013/1967 Sch.5 para.3 by Croxley Rail Link Order 2013/1967, Sch. 5 para. 4

Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 1

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Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 4

Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 4, Pt 3 art. 23, Pt 6 art. 43

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 4, Pt 3 art. 26

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Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 4

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 4

Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 4, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 4, Pt III art. 29

Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 4, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 2001/1369, Sch. 1 para. 4

Modified by Greater Manchester (Light Rapid Transit System) (Mumps Surface Crossing) Order 2001/1368, Sch. 3 para. 4

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Sch. 4 para. 4, Pt III art. 21

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Park) Order 2001/1367, Sch. 2 para. 4

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 1

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Sch. 1 para. 1

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Sch. 5 para. 1

Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 1

Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 4, Pt III art. 11

Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 4

Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 4

Modified by Hornsea One Offshore Wind Farm Order 2014/3331, Sch. 6(2) para. 2, Pt 5 art. 16(3)

Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 10, Pt 1 c. 2 s. 9(6)

Modified by Ipswich Barrier Order 2012/1867, Sch. 3 para. 4, Pt 6 art. 43

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Sch. 3 para. 4, Pt III art. 13

Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 4, Pt 5 art. 22(3), Sch. 10 para. 3

Modified in relation to the acquisition by the Urban Regeneration Agency of rights over land by virtue of 1993 c.28 s.162(2) by Leasehold Reform, Housing and Urban Development Act 1993 c. 28, Sch. 20(III) para. 21, Pt III s. 169

Modified in relation to the purposes specified in SI 2013/1933 Sch.8 para.3 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 4, Pt 3 art. 24(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Sch. 7 para. 4, Pt III art. 26

Modified by Leeds Supertram (Land Acquisition and Road Works) Order 2001/1348, Sch. 2 para. 4

Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 1, Pt III s. 27(4)(a)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 4

Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 4, Pt III art. 19

Modified in relation to the compulsory acquisition under SI 2014/3102 of a right by the creation of a new right, or in relation to the imposition of a restrictive covenant by London Underground (Northern Line Extension) Order 2014/3102, Sch. 3 para. 4, Pt 3 art. 26(4)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 4, Pt 3 art. 20

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 4

Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 4, Pt 5 art. 20(4), Sch. 9 para. 3(1)

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 4, Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 4, Pt 3 art. 32

Modified by National Grid (King's Lynn B Power Station Connection) Order 2013/3200, Sch. 3 para. 4, Pt 1 art. 3

Modified to make it apply to the compulsory acquisition under SI 2014/1052 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 4, Pt 5 art. 25

Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 4, Pt 3 art. 20, Pt 3 art. 21

Modified in relation to the compulsory acquisition under SI 2014/2027 art.19 of a right over land by the creation of a new right or the imposition of a restrictive covenant under art.20(6) by Network Rail (Huyton) Order 2014/2027, Sch. 5 para. 4

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 4

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 4

Modified for the purposes specified in SI 2014/909 Sch.8 para.3 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 4

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 4, Pt 3 art. 19

Modified in relation to compensation by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 4

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 4, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 4, Pt 2 art. 6

Modified in relation to measure of compensation in case of severance by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 4, Pt 5 art. 17

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 4, Pt 3 art. 26

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 4, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 4

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 4, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 4, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 4

Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 4

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 7, Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 4, Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 4, art. 5

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 4, Pt III art. 15

Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 4, art. 25

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 4, Pt I s. 20

Modified in relation to the purchase of new rights under 1992 c.xv s.17(2) by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 1

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 4, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 4, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 4

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 4, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 4, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 1, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 4

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 4

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 4, Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 4, Pt III art. 24

Modified in relation to compensation and compulsory purchase enactments for creation of new rights or the imposition of a restrictive covenant by Walney Extension Offshore Wind Farm Order 2014/2950, Sch. 7 para. 4

Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 3, Pt VI c. I s. 155

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 3, Pt VII c. I s. 154

Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 5, Pt III art. 15(3)

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**Subject:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Local authorities; Severability

Status:  Law In Force

## Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Compulsory purchase

This version in force from: **February 3, 2017 to present**  (version 3 of 3)  **8.— Other provisions as to divided land.**

[

(1) Schedule 2A makes provision in respect of a proposal by an acquiring authority to acquire part only of a—

(a) house, building or factory, or

(b) park or garden belonging to a house.

] <sup>1</sup>

(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 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 [Upper Tribunal] <sup>2</sup>, and either party to proceedings for determining the compensation to be paid for the land acquired may require the [Upper Tribunal] <sup>2</sup> to make [its determination] <sup>3</sup> under this subsection in those proceedings.

**Notes**

1. Substituted by Housing and Planning Act 2016 c. 22 Sch.17(1) para.2 (February 3, 2017 as specified in SI 2017/75 reg.3(g) subject to transitional provisions specified in SI 2017/75 reg.5)
2. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.62(b) (June 1, 2009)
3. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.62(c) (June 1, 2009)

**Modifications**

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24 (2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)
- Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)
- Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10
- Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)
- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)
- Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32
- Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4
- Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26
- Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26
- Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)
- Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)
- Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24
- Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)
- Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)
- Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)
- Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)
- Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24
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- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168
- Pt I  
s. 8 Modified in relation to compensation and compulsory purchase enactments for creation of new rights by A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014/2269, Sch. 6 para. 5, Pt 5 art. 20(6)
- Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 2

Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Sch. 4 para. 5

Modified in relation to the compulsory acquisition under SI 2013/3244 art.26 of a right over land by the creation of a new right by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 5

Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 2

Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Sch. 3 para. 5

Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 2

Modified in relation to the purchase of new rights by British Railways Act 1992 c. i, Sch. 2 para. 2

Modified by British Railways Act 1994 c. iv, Sch. 2 para. 2

Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 5, Pt 3 art. 25

Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 5, Pt 5 art. 21

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Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Sch. 10 para. 5, Pt 3 art. 25

Modified in relation to compensation and compulsory purchase enactments for creation of new rights by Clocaenog Forest Wind Farm Order 2014/2441, Sch. 7 para. 5, Pt 3 art. 23(4)

Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 5

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Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 5, Pt 3 art. 23, Pt 6 art. 43

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Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 5

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 5

Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 5, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 5, Pt III art. 29

Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 5, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 2001/1369, Sch. 1 para. 5

Modified by Greater Manchester (Light Rapid Transit System) (Mumps Surface Crossing) Order 2001/1368, Sch. 3 para. 5

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Sch. 4 para. 5, Pt III art. 21

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Park) Order 2001/1367, Sch. 2 para. 5

Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 2

Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 5, Pt III art. 11

Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 5

Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 5

Modified by Hornsea One Offshore Wind Farm Order 2014/3331, Sch. 6(2) para. 3, Pt 5 art. 16(3)

Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 11, Pt 1 c. 2 s. 9(6)

Modified by Ipswich Barrier Order 2012/1867, Sch. 3 para. 5, Pt 6 art. 43

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Sch. 3 para. 5, Pt III art. 13

Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 5, Pt 5 art. 22(3), Sch. 10 para. 3

Modified in relation to the acquisition by the Urban Regeneration Agency of rights over land by virtue of 1993 c.28 s.162(2) by Leasehold Reform, Housing and Urban Development Act 1993 c. 28, Sch. 20(III) para. 22, Pt III s. 169

Modified in relation to the purposes specified in SI 2013/1933 Sch.8 para.3 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 5, Pt 3 art. 24(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Sch. 7 para. 5, Pt III art. 26

Modified by Leeds Supertram (Land Acquisition and Road Works) Order 2001/1348, Sch. 2 para. 5

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 4(1)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 5

Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 5, Pt III art. 19

Modified in relation to the compulsory acquisition under SI 2014/3102 of a right by the creation of a new right, or in relation to the imposition of a restrictive covenant by London Underground (Northern Line Extension) Order 2014/3102, Sch. 3 para. 5, Pt 3 art. 26(4)

- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 5, Pt 3 art. 20
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 5
- Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 5, Pt 5 art. 20(4), Sch. 9 para. 3(1)
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 5, Pt 3 art. 28
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 5, Pt 3 art. 32
- Modified by National Grid (King's Lynn B Power Station Connection) Order 2013/3200, Sch. 3 para. 5, Pt 1 art. 3, Pt 5 art. 22
- Modified to make it apply to the compulsory acquisition under SI 2014/1052 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 5, Pt 5 art. 25
- Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 5, Pt 3 art. 20, Pt 3 art. 21
- Modified in relation to the compulsory acquisition under SI 2014/2027 art.19 of a right over land by the creation of a new right or the imposition of a restrictive covenant under art.20(6) by Network Rail (Huyton) Order 2014/2027, Sch. 5 para. 5
- Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 5
- Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 5
- Modified for the purposes specified in SI 2014/909 Sch.8 para.3 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 5
- Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 5, Pt 3 art. 19
- Modified in relation to divided land by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 5
- Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 5, Pt 2 art. 6(3)
- Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 5, Pt 2 art. 6
- Modified in relation to land rights by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 5(1), Pt 5 art. 17
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 5, Pt 3 art. 26
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 5, Pt III art. 26
- Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 5
- Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 5, art. 23
- Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 5, Pt 3 art. 32
- Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 5
- Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 5
- Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 5, Pt III art. 14
- Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 5, art. 5
- Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 5, Pt III art. 15
- Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 5, art. 25
- Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 4, Pt I s. 20
- Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 5, Pt 3 art. 24
- Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 5, Pt III art. 17
- Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 5
- Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 5, Pt III art. 20(6)
- Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 5, Pt III art. 38
- Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 2, Pt II s. 5
- Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 5
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 5
- Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 5, Pt 3 art. 29(3)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 5, Pt III art. 24
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights or the imposition of a restrictive covenant by Walney Extension Offshore Wind Farm Order 2014/2950, Sch. 7 para. 5
- Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 5, Pt III art. 15(3)
- Pt I  
s. 8  
(1) Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(b), Pt V s. 37
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 3, Pt III art. 7(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 3
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(3), Pt I s. 4
- Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(3), s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 2
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 2
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Sch. 1 para. 2

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Sch. 5 para. 2  
 Modified by Heathrow Express Railway Act 1991 c. vii, Pt III s. 29  
 Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 31(1)  
 Modified by Leeds Supertram (Land Acquisition and Road Works) Order 2001/1348, Pt II art. 8(1)  
 Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 2, Pt III s. 27(4)(a)  
 Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 21(1)  
 Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 26(1)  
 Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 30(1)  
 Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Pt III art. 23(1), Pt III art. 16  
 Modified by South Hampshire Rapid Transit Order 2001/3627, Pt III art. 44(1)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 33(1)

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**Subject:** Planning

**Keywords:** Buildings; Compulsory purchase; Dogs; Gardens; Houses; Parks; Severability

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

##### Deposit of compensation and execution of deed poll

This version in force from: **Date not available to present**

  (version 1 of 1)  

#### 9.— Refusal to convey, failure to make title, etc.

- (1) If the owner of any of the land purchased by the acquiring authority, or of any interest in the land so purchased, on tender of the compensation agreed or awarded to be paid in respect of the land or interest refuses to accept it, or neglects or fails to make out a title to the land or interest to the satisfaction of the acquiring authority, or refuses to convey or release the land as directed by the acquiring authority, it shall be lawful for the acquiring authority to pay into court the compensation payable in respect of the land or interest.
- (2) The compensation so paid into court shall, subject to the provisions of this Act, be placed to the credit of the parties interested in the land and the acquiring authority shall, so far as they can, give their descriptions.
- (3) 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.
- (4) 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.
- (5) On the application of any person claiming all or any part of the money paid into court, or claiming all or any part of the land in respect of which it was paid into court, or any interest in it, 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 Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the Court thinks fit.

[...] <sup>1</sup>

2 3 4 5 6

#### Notes

1. Repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), Sch. 1 Pt. IX
2. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
3. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
4. S. 9 modified by Land Compensation Act 1973 (c.26), s. 52(10)(a) and Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5; extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

5. S.9(2) applied with modifications by Town and Country Planning Act 1990 (c.8), s. 146(10) and Land Compensation Act 1973 (c.26), s. 54(7)
6. S.9(5) applied with modifications by Town and Country Planning Act 1990 (c.8), s. 146(10) and Land Compensation Act 1973 (c.26), s. 54(7)

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)
- Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)
- Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10
- Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)
- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)
- Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32
- Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4
- Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26
- Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4



- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26
- Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)
- Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)
- Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24
- Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)
- Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)
- Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)
- Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)
- Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24
- Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)
- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168
- Pt I  
s. 9 Modified in relation to the purposes specified in SI 2013/1933 Sch.8 paras 3 and 6 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 6(a), Pt 3 art. 24(2)
- Pt I  
s. 9  
(4) Modified in relation to compensation and compulsory purchase enactments for creation of new rights by A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014/2269, Sch. 6 para. 6(a), Pt 5 art. 20(6)
- Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 3
- Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Sch. 4 para. 6(a)
- Modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 6
- Modified by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 6(a)
- Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 3
- Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Sch. 3 para. 6
- Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 3
- Modified in relation to the purchase of new rights by British Railways Act 1992 c. i, Sch. 2 para. 3
- Modified by British Railways Act 1994 c. iv, Sch. 2 para. 3
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 6(a)
- Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 2
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 6(a), Pt 5 art. 21
- Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(c), Pt V s. 37
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 4, Pt III art. 7(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 4
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(4), Pt I s. 4
- Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 6(a), Pt III art. 18
- Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Sch. 10 para. 6(a), Pt 3 art. 25
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights by Clocaenog Forest Wind Farm Order 2014/2441, Sch. 7 para. 6(a), Pt 3 art. 23(4)
- Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 5(a), Pt I s. 4C(5)
- Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 6(a)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(4), s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 3
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 6(a)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 6(a)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 6(a), Pt III art. 23
- Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 6(a), Pt 3 art. 23, Pt 6 art. 43
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 6(a), Pt 3 art. 26

Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 6(a)

Modified by East Midlands Parkway Station (Land Acquisition) Order 2005/8, Sch. 1 para. 6

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 6(a), Pt 3 art. 25

Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 6(a)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 6(a)

Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 6(a), Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 6(a), Pt III art. 29

Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 6(a), Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Sch. 4 para. 6(a), Pt III art. 21

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 3

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Sch. 1 para. 3

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Sch. 5 para. 3

Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 3

Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 6(a), Pt III art. 11

Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 6(a)

Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 6(a)

Modified by Hornsea One Offshore Wind Farm Order 2014/3331, Sch. 6(2) para. 4(a), Pt 5 art. 16(3)

Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 12(3), Sch. 2(1) para. 12(2), Sch. 2(1) para. 12(2)(a)

Modified by Ipswich Barrier Order 2012/1867, Sch. 3 para. 6(a), Pt 6 art. 43

Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 6(a), Pt 5 art. 22(3), Sch. 10 para. 3

Modified in relation to the acquisition by the Urban Regeneration Agency of rights over land by virtue of 1993 c.28 s.162(2) by Leasehold Reform, Housing and Urban Development Act 1993 c. 28, Sch. 20(III) para. 23(1)(a), Pt III s. 169

Modified by Leeds Supertram (Extension) Order 2001/1347, Sch. 7 para. 6(a), Pt III art. 26

Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 3, Pt III s. 27(4)(a)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 6(a)

Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 6(a), Pt III art. 19

Modified in relation to the compulsory acquisition under SI 2014/3102 of a right by the creation of a new right, or in relation to the imposition of a restrictive covenant by London Underground (Northern Line Extension) Order 2014/3102, Sch. 3 para. 6(a), Pt 3 art. 26(4)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 6(a)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 6(a)

Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 6(a), Pt 5 art. 20(4), Sch. 9 para. 3(1)

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 6(a), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 6(a), Pt 3 art. 32

Modified by National Grid (King's Lynn B Power Station Connection) Order 2013/3200, Sch. 3 para. 6(a), Pt 1 art. 3

Modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 6(a), Pt 5 art. 25

Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 6(a), Pt 3 art. 20, Pt 3 art. 21

Modified in relation to the compulsory acquisition under SI 2014/2027 art.19 of a right over land by the creation of a new right or the imposition of a restrictive covenant under art.20(6) by Network Rail (Huyton) Order 2014/2027, Sch. 5 para. 6(a)

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 6(a)

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 6(a)

Modified for the purposes specified in SI 2014/909 Sch.8 para.6 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 6(a)

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 6(a), Pt 3 art. 19

Modified in relation to deed poll by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 6(a)

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 6(a), Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 6(a), Pt 2 art. 6

Modified in relation to the effects of deed poll by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 6(a), Pt 5 art. 17

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 6(a), Pt 3 art. 26

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 6(a), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 6(a)

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 6(a), art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 6(a), Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 6(a)

Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 6(a)

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 9(2), Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 6(a), Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 6(a)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 6(a), Pt III art. 15

Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 6(a), art. 25

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 5(1)(a), Pt I s. 20

Modified in relation to the purchase of new rights under 1992 c.xv s.17(2) by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 2

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 6(a), Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 6(a), Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 6(a)

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 6(a), Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 6(a), Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 3, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 6(a)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 6(a)

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 6(a), Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 6(a), Pt III art. 24

Modified in relation to compensation and compulsory purchase enactments for creation of new rights or the imposition of a restrictive covenant by Walney Extension Offshore Wind Farm Order 2014/2950, Sch. 7 para. 6(a)

Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 5(a), Pt VI c. I s. 155

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 5(a), Pt VII c. I s. 154

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**Subject:** Planning

**Keywords:** Compensation; Compulsory purchase; Conveyances; Deeds poll; Dogs; Local authorities' powers and duties; Payment into court; Refusal

Status: ☒ Law In Force

#### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Further provision as to compensation for injurious affection

This version in force from: **June 1, 2009 to present**

  (version 2 of 2)  

#### 10.— Further provision as to compensation for injurious affection.

(1) If any person claims compensation in respect of any land, or any interest in land, which has been taken for or injuriously affected by the execution of the works, and for which the acquiring authority have not made satisfaction under the provisions of this Act, or of the special Act, any dispute arising in relation to the compensation shall be referred to and determined by the [Upper Tribunal] <sup>1</sup>.

(2) This section shall be construed as affording in all cases a right to compensation for injurious affection to land which is the same as the right which section 68 of the Lands Clauses Consolidation Act 1845 has been construed as affording in cases where the amount claimed exceeds fifty pounds.

(3) Where this Part of this Act applies by virtue of [Part IX of the Town and Country Planning Act 1990] <sup>2</sup> reference in this section to the acquiring authority shall be construed in accordance with [section 245(4)(b) of that Act] <sup>3</sup>.

#### Notes

- <sup>1</sup> Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.63 (June 1, 2009)
- <sup>2</sup> Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s.4, Sch. 2 para. 13(2)(a)
- <sup>3</sup> Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 13(2)(b)

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24 (2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3 (2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)
- Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)
- Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10
- Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)
- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)
- Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32
- Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4
- Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26
- Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26
- Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)
- Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)
- Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24
- Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)
- Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)
- Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)
- Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)
- Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24
- Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)
- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. 1 s. 168
- Pt I s. 10 Modified in relation to the purposes specified in SI 2013/1933 Sch.8 paras 3 and 6 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 6(b), Pt 3 art. 24(2)
- Modified by Planning Act 2008 c. 29, Pt 7 c. 1 s. 125(3)(b)
- Pt I s. 10(1) Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Pt III art. 8
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Pt III art. 11
- Modified by Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002/1943, art. 5
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 36
- Modified by Crossrail Act 2008 c. 18, s. 45
- Pt I s. 10(3) Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 6(b), Pt III art. 11
- Modified in relation to the effects of deed poll by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 6(b), Pt 5 art. 17
- Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 6(b)
- Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 6(b), art. 25

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**Subject:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Injurious affection

Status: ☒ Law In Force

## Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Entry on the land

This version in force from: **February 3, 2017 to present**

  (version 5 of 5)  

#### 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 [a notice of entry] <sup>1</sup>, 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 [, after the end of a period specified in the notice] <sup>2</sup>; 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 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 [section 12(3) of the Acquisition of Land Act] <sup>3</sup>, a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated] <sup>4</sup>.

In this subsection "owner" has the meaning given by [section 7(1) of the Acquisition of Land Act] <sup>5</sup>.

[

(1A) A notice of entry under subsection (1) must specify the period after the end of which the acquiring authority may enter on and take possession of the land to which the notice relates.

(1B) The period specified in a notice of entry under subsection (1) must not end earlier than the end of the period of 3 months beginning with the day on which the notice is served unless it is a notice to which section 11A(4) or paragraph 13 of Schedule 2A applies.

] <sup>6</sup>

[

(1C) A notice of entry under subsection (1) must explain the effect of section 11B (counter-notice requiring possession to be taken on specified date) and give an address at which the acquiring authority may be served with a counter-notice.

] <sup>2</sup>

[

(1D) An acquiring authority may extend the period specified in a notice of entry under subsection (1) by agreement with each person on whom it was served.

(1E) A reference in this Act to the period specified in a notice of entry under subsection (1) is to the period as extended by any agreement under subsection (1D).

] <sup>8</sup>

[...] <sup>2</sup>

(3) For the purpose of [surveying, valuing or taking levels] <sup>10</sup> 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 to the owners or occupiers of the land, and any question of disputed compensation under this subsection shall be referred to the [Upper Tribunal] <sup>11</sup>.

(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.

## Notes

1. Words substituted by Housing and Planning Act 2016 c. 22 Pt 7 s.186(2)(a)(i) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
2. Words inserted by Housing and Planning Act 2016 c. 22 Pt 7 s.186(2)(a)(ii) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
3. Words substituted by Acquisition of Land Act 1981 (c.67), Sch. 4 para. 14(3)(a)
4. Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 Sch.5 para.12(1) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
5. Words substituted by Acquisition of Land Act 1981 (c.67), Sch. 4 para. 14(3)(b)
6. Added by Housing and Planning Act 2016 c. 22 Pt 7 s.186(2)(b) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
7. Added by Housing and Planning Act 2016 c. 22 Pt 7 s.187(2) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
8. Added by Housing and Planning Act 2016 c. 22 Pt 7 s.188 (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)
9. Repealed by Housing and Planning Act 2016 c. 22 Sch.16 para.3 (July 13, 2016)
10. Words substituted by Housing and Planning Act 2016 c. 22 Sch.14 para.6 (July 13, 2016)
11. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.64 (June 1, 2009)

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24 (2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

Pt I s. 11 Modified in relation to compensation and compulsory purchase enactments for creation of new rights by A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014/2269, Sch. 6 para. 7, Pt 5 art. 20(6)

Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 4

Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Sch. 4 para. 7

Modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the equivalent circumstances by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 7

Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 4

Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Pt 3 art. 19

Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Sch. 3 para. 7

Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 4

Modified in relation to the purchase of new rights by British Railways Act 1992 c. i, Sch. 2 para. 4

Modified by British Railways Act 1994 c. iv, Sch. 2 para. 4

Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 7

Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 3

Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 7, Pt 5 art. 21

Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(d), Pt V s. 37

Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 5, Pt III art. 7(2)(a)

Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 5

Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(5), Pt I s. 4

Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 7, Pt III art. 18

Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Sch. 10 para. 7, Pt 3 art. 25

Modified in relation to compensation and compulsory purchase enactments for creation of new rights by Clocaenog Forest Wind Farm Order 2014/2441, Sch. 7 para. 7, Pt 3 art. 23(4)

Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 6, Pt I s. 4C(5)

Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 7

Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(5), s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 4

Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 7

Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 7

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 7, Pt III art. 23

Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 7, Pt 3 art. 23, Pt 6 art. 43

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 7, Pt 3 art. 26

Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 7

Modified by East Midlands Parkway Station (Land Acquisition) Order 2005/8, Sch. 1 para. 7

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 7, Pt 3 art. 25

Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 7

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 7

Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 7, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 7, Pt III art. 29

Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 7, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Sch. 4 para. 7, Pt III art. 21

Modified by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 4

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Sch. 1 para. 4

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Sch. 5 para. 4

Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 4

Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 7, Pt III art. 11

Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 7

Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 7

Modified by Hornsea One Offshore Wind Farm Order 2014/3331, Sch. 6(2) para. 5, Pt 5 art. 16(3)

Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 13(1), Pt 1 c. 2 s. 9(6)

Modified by Ipswich Barrier Order 2012/1867, Sch. 3 para. 7, Pt 6 art. 43



Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 7, Pt 5 art. 22(3), Sch. 10 para. 3

Modified in relation to the acquisition by the Urban Regeneration Agency of rights over land by virtue of 1993 c.28 s.162(2) by Leasehold Reform, Housing and Urban Development Act 1993 c. 28, Sch. 20(III) para. 23(2), Pt III s. 169

Modified in relation to the purposes specified in SI 2013/1933 Sch.8 paras 3 and 7 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 7, Pt 3 art. 24(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Sch. 7 para. 7, Pt III art. 26

Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 4, Pt III s. 27(4)(a)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 5

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 7

Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 7, Pt III art. 19

Modified in relation to the compulsory acquisition under SI 2014/3102 of a right by the creation of a new right, or in relation to the imposition of a restrictive covenant by London Underground (Northern Line Extension) Order 2014/3102, Sch. 3 para. 7, Pt 3 art. 26(4)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 7

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 7

Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 7, Pt 5 art. 20(4), Sch. 9 para. 3(1)

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 7, Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 7, Pt 3 art. 32

Modified by National Grid (King's Lynn B Power Station Connection) Order 2013/3200, Sch. 3 para. 7, Pt 1 art. 3

Modified for the purposes specified in SI 2014/1052 Sch.10 para.7 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 7, Pt 5 art. 25

Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 7, Pt 3 art. 20, Pt 3 art. 21

Modified in relation to the compulsory acquisition under SI 2014/2027 art.19 of a right over land by the creation of a new right or the imposition of a restrictive covenant under art.20(6) by Network Rail (Huyton) Order 2014/2027, Sch. 5 para. 7

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 7

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 7

Modified for the purposes specified in SI 2014/909 Sch.8 para.7 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 7

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 7, Pt 3 art. 19

Modified in relation to powers of entry by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 7

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 7, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 7, Pt 2 art. 6

Modified in relation to powers of entry by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 7(1), Pt 5 art. 17

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 7, Pt 3 art. 26

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 7, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 7

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 7, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 7, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 7

Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 7

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 10, Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 7, Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 7

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 7, Pt III art. 15

Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 7, art. 25

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 5(2), Pt I s. 20

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 3

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 7, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 7, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 7

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 7, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 7, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 4, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 7

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 7

- Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 7, Pt 3 art. 29(3)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 7, Pt III art. 24
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights or the imposition of a restrictive covenant by Walney Extension Offshore Wind Farm Order 2014/2950, Sch. 7 para. 7
- Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 6, Pt VI c. I s. 155
- Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 6, Pt VII c. I s. 154
- Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 7
- Pt I s. 11(1) Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(2)
- Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Pt 3 art. 14(2)(b)
- Modified in relation to the compulsory acquisition of land under 1992 c.v by Avon Weir Act 1992 c. v, Pt I s. 4(1)(b)
- Modified in relation to the compulsory purchase of land under 1992 c.xi by British Railways (No. 2) Act 1992 c. xi, Pt I s. 4(2)
- Modified in relation to powers of entry by British Railways Act 1992 c. I, Pt I s. 4(2)
- Modified in relation to the compulsory purchase of land under 1993 c.iv by British Railways Act 1993 c. iv, Pt I s. 4(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(2)
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Pt 3 art. 23(2)(b)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(3)
- Modified in relation to the compulsory acquisition of land under 1992 c.xiv by Cattewater Reclamation Act 1992 c. xiv, Pt I s. 3(2)(b)
- Modified in relation to the acquisition of land by Channel Tunnel Act 1987 c. 53, Pt V s. 37(5)(a)
- Modified in relation to the acquisition of land by Channel Tunnel Act 1987 c. 53, Pt V s. 37(5)(b)
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Pt III art. 6(2)(b)(i)
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Pt III art. 6(2)(b)(ii)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Pt III art. 9(2)(b)(i), Pt III art. 9(1), Pt III art. 9(2)(b)(i)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Pt III art. 9(2)(b)(ii), Pt III art. 9(1)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(II) para. 3(3)(a), Pt I s. 4
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(II) para. 3(3)(b), Pt I s. 4
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 3(3), s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(2)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt IV s. 56(3)
- Modified by East Midlands Parkway Station (Land Acquisition) Order 2005/8, Pt 2 art. 4(2)(b)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(2)(b)
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Pt III art. 25(2)(b)(i)
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Pt III art. 25(2)(b)(ii)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27(2)(b)(i)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27(2)(b)(ii)
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Pt III art. 25(2)(b)(i)
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Pt III art. 25(2)(b)(ii)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1995/2383, art. 4(2)(b)(i)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1995/2383, art. 4(2)(b)(ii)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1998/2919, art. 4(2)(b)(i)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 1998/2919, art. 4(2)(b)(ii)
- Modified by Greater Manchester (Light Rapid Transit System) (Land Acquisition) Order 2001/1369, Pt II art. 4(2)(b)
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Park) Order 2001/1367, Pt III art. 7(2)(b)
- Modified in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(2)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt I s. 3(2)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt I s. 5(2)
- Modified in relation to the compulsory purchase of land under 1991 c.ix by Heathrow Express Railway (No. 2) Act 1991 c. ix, s. 3(2)
- Modified by Heathrow Express Railway Act 1991 c. vii, Pt I s. 4(2)
- Modified in relation to the compulsory acquisition of land by Killingholme Generating Stations (Ancillary Powers) Act 1991 c. viii, Pt I s. 2(2)(b)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(2)(b)
- Modified by Leeds Supertram (Land Acquisition and Road Works) Order 2001/1348, Pt II art. 4(2)(b)
- Modified in relation to the lands over which rights only are required by Leeds Supertram Act 1993 c. xv, Pt I s. 5(2)

- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(2)(b)
- Modified by London Gateway Port Harbour Empowerment Order 2008/1261, Pt 4 art. 29(2)(b)
- Modified by London Underground (East London Line Extension) Order 1997/264, Pt III art. 18(2)(b)(i)
- Modified by London Underground (East London Line Extension) Order 1997/264, Pt III art. 18(2)(b)(ii)
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Pt 3 art. 26(2)(b)
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)(b)
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Pt 3 art. 25(2)(b)
- Modified by Network Rail (West Coast Main Line) (Stowe Hill) Order 2006/3471, art. 4(2)(b)
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(2)(b)
- Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Pt III art. 10(2)(b)
- Modified by Port of Ipswich Harbour Revision Order 2006/554, Pt 3 art. 15(2)(b)
- Modified by Railtrack (Leeds Bridges) Order 1999/2336, Pt III art. 13(2)(b)(i)
- Modified by Railtrack (Leeds Bridges) Order 1999/2336, Pt III art. 13(2)(b)(ii)
- Modified in relation to the compulsory purchase of land under 1992 c.xv by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Pt I s. 3(2)
- Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Pt III art. 16(2)(b)(i)
- Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Pt III art. 16(2)(b)(ii)
- Modified by River Tyne (Tunnels) Order 2005/2222, Pt 3 art. 22(2)(b)
- Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Pt III art. 19(2)(b)
- Modified by South Hampshire Rapid Transit Order 2001/3627, Pt III art. 36(2)(b)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(2)(b)
- Modified by Welsh Highland Railway Order 1999/2129, Pt III art. 15(2)(b)(i)
- Modified by Welsh Highland Railway Order 1999/2129, Pt III art. 15(2)(b)(ii)
- Pt I s. 11(2) Modified in relation to the compulsory acquisition of land under 1991 c.xvi by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt I s. 3(2)

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Status: ☒ Law In Force

## Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Entry on the land

This version in force from: **February 3, 2017 to present**

 (version 1 of 1) 

#### [ 11A Powers of entry: further notices of entry

(1) This section applies where—

- (a) an acquiring authority have given a notice of entry under section 11(1) but have not yet entered on and taken possession of the land, and
- (b) the authority become aware of an owner, lessee or occupier ("the newly identified person") to whom they ought to have given a notice to treat under section 5(1) but have not.

(2) Any notice of entry already served under section 11(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified person—

- (a) a notice to treat under section 5(1), and
- (b) a notice of entry under section 11(1).

(3) Subsection (4) applies for the purpose of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person if—

- (a) the person is an occupier of the land and the authority were not aware of the person because they were given misleading information when carrying out inquiries under section 5(1), or
- (b) the person is not an occupier of the land.

(4) The period specified in the notice must be a period that ends—

- (a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and

(b) no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.

1

## Notes

1 Added by Housing and Planning Act 2016 c. 22 Pt 7 s.186(3) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24 (2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)
- Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)
- Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10
- Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)
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- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
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- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)
- Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32
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- Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4
- Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26
- Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)
- Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26
- Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)
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- Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)
- Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)
- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)
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- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168
- Pt I s. 11A Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 4
- Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 4
- Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 4
- Modified by British Railways Act 1994 c. iv, Sch. 2 para. 4
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 7
- Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 3
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 7, Pt 5 art. 21
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(5), Pt I s. 4
- Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 7, Pt III art. 18
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- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 7
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 7, Pt III art. 23
- Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 7, Pt 3 art. 23, Pt 6 art. 43
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 7, Pt 3 art. 26
- Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 7
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 7, Pt 3 art. 25
- Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 7
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 7
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 7, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 7, Pt III art. 29
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 7, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 4
- Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 4

Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 7

Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 7

Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 4, Pt III s. 27(4)(a)

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Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 7, Pt III art. 19

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 7

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 7

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Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 7, Pt 3 art. 20, Pt 3 art. 21

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 7

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 7

Modified for the purposes specified in SI 2014/909 Sch.8 para.7 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 7

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 7, Pt 3 art. 19

Modified in relation to powers of entry by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 7

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 7, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 7, Pt 2 art. 6

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 7, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 7

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 7, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 7, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 7

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 7, Pt III art. 14

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 7, Pt III art. 15

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 3

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 7, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 7, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 7

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 7, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 7, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 4, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 7

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 7

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 7, Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 7, Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 6, Pt VII c. I s. 154

Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 7

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**Subject:** Planning **Other related subjects:** Real property

Status:  Law In Force

**Compulsory Purchase Act 1965 c. 56**

**Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946**

**Entry on the land**

This version in force from: **February 3, 2017** to **present**

 (version 1 of 1)  

**11B Counter-notice requiring possession to be taken on specified date**

(1) Where an acquiring authority serve a notice of entry under section 11(1) on an occupier with an interest in land, the occupier may serve a counter-notice requiring the acquiring authority to take possession of the land by no later than a date specified in the counter-notice.

(2) If the occupier gives up possession of the land on or before the specified date the acquiring authority are to be treated as having taken possession on that date (unless the acquiring authority has in fact taken possession before that date).

(3) The date specified in the counter-notice—

(a) must not be before the end of the period specified in the notice of entry under section 11(1), and

(b) must be at least 28 days after the day on which the counter-notice is served.

(4) A counter-notice under subsection (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.

(5) A counter-notice under subsection (1) has no effect if it would require an acquiring authority to take possession of land at a time when section 11A or paragraph 6 of Schedule 2A prohibit the authority from entering on and taking possession of the land.

(6) If subsection (5) applies, the authority must notify the occupier who served the counter-notice—

(a) that the counter-notice has no effect, and

(b) if the authority serve a notice of entry as mentioned in section 11A(2)(b), of the date after which the authority could enter on and take possession of the land.

(7) If a counter-notice served under subsection (1) has no effect because of subsection (5), the occupier who served it may serve a further counter-notice.

(8) Where a notice of entry under section 11(1) is served on more than one occupier with the same interest in the land, a reference in this section to the occupier with an interest in land is to all of them acting together.

] <sup>1</sup>

**Notes**

<sup>1</sup> Added by Housing and Planning Act 2016 c. 22 Pt 7 s.187(3) (February 3, 2017 as specified in SI 2017/75 reg.3(e) subject to transitional provisions specified in SI 2017/75 reg.5)

**Modifications**

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24 (2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
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- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
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Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 7, Pt III art. 29

Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 7, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 4

Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 4

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Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 7

Modified for the purposes specified in SI 2014/909 Sch.8 para.7 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 7

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 7, Pt 3 art. 19

Modified in relation to powers of entry by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 7

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 7, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 7, Pt 2 art. 6

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 7, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 7

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 7, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 7, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 7

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 7, Pt III art. 14

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 7, Pt III art. 15

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 3

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 7, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 7, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 7

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 7, Pt III art. 20(6)  
 Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 7, Pt III art. 38  
 Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 4, Pt II s. 5  
 Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 7  
 Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 7  
 Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 7, Pt 3 art. 29(3)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 7, Pt III art. 24  
 Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 6, Pt VII c. I s. 154  
 Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 7

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**Subject:** Planning **Other related subjects:** Real property

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

### Entry on the land

This version in force from: **July 13, 2016 to present**

(version 2 of 2)

#### 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, [...] <sup>1</sup> although such person may not have been legally entitled thereto.

#### Notes

1. Words repealed by Housing and Planning Act 2016 c. 22 Sch.16 para.4 (July 13, 2016)

#### Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)  
 Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)  
 Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)  
 Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)  
 Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)  
 Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)  
 Modified by Chester Guided Busway Order 2002/412, Pt III art. 17  
 Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)  
 Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6  
 Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)  
 Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)  
 Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)  
 Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

- Pt I  
s.  
12
- Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 4
- Modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the equivalent circumstances by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 7
- Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 4
- Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 4
- Modified by British Railways Act 1994 c. iv, Sch. 2 para. 4
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 7
- Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 3
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 7, Pt 5 art. 21
- Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(d), Pt V s. 37
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 5, Pt III art. 7(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 5
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(5), Pt I s. 4
- Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 7, Pt III art. 18
- Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 6, Pt I s. 4C(5)
- Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 7
- Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(5), s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 4
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 7
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 7
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 7, Pt III art. 23
- Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 7, Pt 3 art. 23, Pt 6 art. 43
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 7, Pt 3 art. 26
- Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 7
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 7, Pt 3 art. 25
- Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 7
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 7
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 7, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 7, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 7, Pt III art. 29
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 7, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 4
- Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 4
- Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 7
- Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 7
- Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 13(3), Pt 1 c. 2 s. 9(6)
- Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 7, Pt 5 art. 22(3), Sch. 10 para. 3
- Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 4, Pt III s. 27(4)(a)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 5
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 7
- Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 7, Pt III art. 19
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 7
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 7
- Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 7, Pt 5 art. 20(4), Sch. 9 para. 3(1)
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 7

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 7, Pt 3 art. 32

Modified for the purposes specified in SI 2014/1052 Sch.10 para.7 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 7, Pt 5 art. 25

Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 7, Pt 3 art. 20, Pt 3 art. 21

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 7

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 7

Modified for the purposes specified in SI 2014/909 Sch.8 para.7 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 7

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 7, Pt 3 art. 19

Modified in relation to powers of entry by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 7

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 7, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 7, Pt 2 art. 6

Modified in relation to penalties for unauthorised entry by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 7(1), Pt 5 art. 17

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 7, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 7

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 7, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 7, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 7

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 10, Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 7, Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 7

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 7, Pt III art. 15

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 5(2), Pt I s. 20

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 3

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 7, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 7, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 7

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 7, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 7, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 4, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 7

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 7

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 7, Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 7, Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 6, Pt VI c. I s. 155

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 6, Pt VII c. I s. 154

Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 7

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**Subject:** Planning

**Keywords:** Compulsory purchase; Damages; Dogs; Local authorities' powers and duties; Penalties

Status:  Law In Force

## Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Entry on the land

This version in force from: **April 6, 2014** to **present**

 (version 3 of 3) 

#### 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 or taking possession of it, the acquiring authority may issue their warrant to the sheriff [-] <sup>1</sup>

[

(a) the sheriff, or

(b) the enforcement officer,

to deliver possession of it to the person appointed in the warrant to receive it.

] <sup>1</sup>

(2) On receipt of the warrant [the person to whom it is issued] <sup>2</sup> shall deliver possession of any such land accordingly.

[

(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.

] <sup>3</sup>

(3) The costs accruing by reason of the issue and execution of the warrant, to be settled by [the person executing the warrant] <sup>4</sup>, 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 [recovered by using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)] <sup>5</sup>, and on application to any justice of the peace for that purpose he shall issue his warrant accordingly.

[...] <sup>6</sup>

(6) In this section [-] <sup>2</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.

] <sup>7</sup>

## Notes

1. Words and paras.(a)-(b) substituted for words by Tribunals, Courts and Enforcement Act 2007 c. 15 Pt 7 s.139(5) (April 1, 2008)
2. Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 Pt 7 s.139(6) (April 1, 2008)
3. Added by Tribunals, Courts and Enforcement Act 2007 c. 15 Pt 7 s.139(7) (April 1, 2008)
4. Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 Pt 7 s.139(8) (April 1, 2008)
5. Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 Sch.13 para.28(2) (April 6, 2014)
6. Repealed by Tribunals, Courts and Enforcement Act 2007 c. 15 Sch.23(3) para.1 (April 6, 2014 as SI 2014/768)
7. Definition inserted by Tribunals, Courts and Enforcement Act 2007 c. 15 Pt 7 s.139(9) (April 1, 2008)

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

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Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

Pt I  
s.  
13 Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 4

Modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the equivalent circumstances by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 7

Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 4

Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 4

Modified by British Railways Act 1994 c. iv, Sch. 2 para. 4

Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 7

Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 3

Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 7, Pt 5 art. 21

Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(d), Pt V s. 37

Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 5, Pt III art. 7(2)(a)

Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 5

Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(5), Pt I s. 4

Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 7, Pt III art. 18

Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 6, Pt I s. 4C(5)

Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 7

Modified by Crossrail Act 2008 c. 18, Sch. 5 para. 6, s. 5

Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(5), s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 4

Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 7

Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 7

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 7, Pt III art. 23

Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 7, Pt 3 art. 23, Pt 6 art. 43

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 30(14)

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 31(10)

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 7, Pt 3 art. 26

Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 7

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 7, Pt 3 art. 25

Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 7

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 7

Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 7, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 7, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 7, Pt III art. 29

Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 7, Pt III art. 26

Modified by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Sch. 1 para. 4

Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 4

Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 7

Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 7

Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 13(3), Pt 1 c. 2 s. 9(6)

Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 7, Pt 5 art. 22(3), Sch. 10 para. 3

Modified in relation to the purchase of rights under 1993 c.xv s.27(2) by Leeds Supertram Act 1993 c. xv, Sch. 4 para. 4, Pt III s. 27(4)(a)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 5

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 7

Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 7, Pt III art. 19

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 7

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 7

Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 7, Pt 5 art. 20(4), Sch. 9 para. 3(1)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 36(11)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 37(11)

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 7

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 7, Pt 3 art. 32



Modified for the purposes specified in SI 2014/1052 Sch.10 para.7 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 7, Pt 5 art. 25

Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 7, Pt 3 art. 20, Pt 3 art. 21

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 7

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 7

Modified for the purposes specified in SI 2014/909 Sch.8 para.7 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 7

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 7, Pt 3 art. 19

Modified in relation to powers of entry by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 7

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 7, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 7, Pt 2 art. 6

Modified in relation to entry on warrant in the event of obstruction by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 7(1), Pt 5 art. 17

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 7, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 7

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 7, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 7, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 7

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 10, Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 7, Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 7

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 7, Pt III art. 15

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 5(2), Pt I s. 20

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 3

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 7, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 7, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 7

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 7, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 7, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 4, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 7

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 7

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 7, Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 7, Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 6, Pt VI c. I s. 155

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 6, Pt VII c. I s. 154

Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 7

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**Subject:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Local authorities' powers and duties; Possession; Refusal; Warrants

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

##### Acquisition of special interests

This version in force from: **January 1, 1966 to present**

 (version 1 of 1) 

#### 14.— Mortgages.

- (1) The acquiring authority may purchase or redeem the interest of the mortgagee of any of the land subject to compulsory purchase in accordance with either of the two following subsections.
- (2) The acquiring authority may pay or tender to the mortgagee the principal and interest due on the mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon the mortgagee shall immediately convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.

(3) Alternatively, the acquiring authority may give notice in writing to the mortgagee that they will pay all the principal and interest due on the mortgage at the end of six months, computed from the day of giving the notice; and if they have given any such notice, or if the person entitled to the equity of redemption has given six months notice of his intention to redeem, then at the expiration of either of the notices, or at any intermediate period, on payment or tender by the acquiring authority to the mortgagee of the principal money due on the mortgage, and the interest which would become due at the end of six months from the time of giving either of the notices, together with his costs and expenses, if any, the mortgagee shall convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.

(4) If, in a case under subsection (2) or subsection (3) of this section, on such payment or tender the mortgagee fails to convey or release his interest in the mortgage as directed by the acquiring authority, or fails to make out a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the sums payable under subsection (2) or subsection (3) of this section, as the case may be.

(5) When the acquiring authority have paid those sums into court, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act.

(6) On execution of the deed poll, as well as in the case of a conveyance by the mortgagee, all the estate and interest of the mortgagee (and of all persons in trust for him, or for whom he may be a trustee) in the land shall vest in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.

(7) This section shall apply—

- (a) whether or not the acquiring authority have previously purchased the equity of redemption,
- (b) whether or not the mortgagee is a trustee,
- (c) whether or not the mortgagee is in possession of the land, and
- (d) whether or not the mortgage includes other land in addition to the land subject to compulsory purchase.

1 2 3

## Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
3. S.14 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(1), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

## Modifications

Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)

Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)

Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)

Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)

Modified by Chester Guided Busway Order 2002/412, Pt III art. 17

Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)

Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)

Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)

Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)

Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Dogs; Local authorities' powers and duties; Mortgages

Status:  Law In Force

## Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Acquisition of special interests

This version in force from: **June 1, 2009 to present** (version 2 of 2) **15.— Mortgage debt exceeding value of mortgaged land.**

(1) If the value of any such mortgaged land is less than the principal, interest and costs secured on the land, the value of the land, or the compensation to be paid by the acquiring authority in respect of the land, shall be settled by agreement between the mortgagee and the person entitled to the equity of redemption on the one part, and the acquiring authority on the other part, or, if they fail to agree, shall be determined by the [Upper Tribunal] <sup>1</sup>.

(2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the mortgaged land to the acquiring authority or as they direct, and if he fails to do so, or fails to adduce a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount agreed or awarded.

(4) When the acquiring authority have so paid into court the amount agreed or awarded, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act.

(5) On execution of the deed poll the land, as to the estate and interest which were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.

(6) The making of payment to the mortgagee or into court of the amount agreed or awarded shall be accepted by the mortgagee in satisfaction, or part satisfaction, of his mortgage debt, and shall be a full discharge of the mortgaged land from all money due thereon.

(7) All rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation, other than the right to the land, shall remain in force in respect of so much of the mortgage debt as has not been satisfied by payment to the mortgagee or into court.

**Notes**

- <sup>1</sup> Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.65 (June 1, 2009)

**Modifications**

Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compensation; Compulsory purchase; Debts; Dogs; Mortgages; Upper Tribunal

Status:  Law In Force

Compulsory Purchase Act 1965 c. 56

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Acquisition of special interests

This version in force from: **June 1, 2009** to **present**

(version 2 of 2)

**16.— Acquisition of part of land subject to mortgage.**

(1) If a part only of any mortgaged land is required by the acquiring authority, and—

(a) the part so required is of less value than the principal, interest and costs secured on such land, and

(b) the mortgagee does not consider the remaining part of the land a sufficient security for the money charged thereon, or is not willing to release the part so required,

then the value of that part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of that land on the one part and the acquiring authority on the other and, if the parties fail to agree, shall be determined by the [Upper Tribunal] <sup>1</sup>.

(2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the land to be taken to the acquiring authority or as they direct.

(4) A memorandum of what has been so paid shall be endorsed on the deed creating the mortgage and shall be signed by the mortgagee; and a copy of the memorandum shall at the same time (if required) be furnished by the acquiring authority at their expense to the person entitled to the equity of redemption of the land comprised in the mortgage.

(5) If, on payment or tender to any such mortgagee of the amount of compensation agreed or awarded, the mortgagee fails to convey or release to the acquiring authority, or as they direct, his interest in the land in respect of which the compensation has been so paid or tendered, or if he fails to adduce a good title thereto to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority, to pay into court the amount of the compensation; and subsections (4) to (6) of the last foregoing section shall apply as if references in those subsections to the land were references to the part of the land comprised in the mortgage which is required by the acquiring authority.

(6) Notwithstanding the foregoing provisions of this section the mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue of it (as the case may be), and the interest thereon, as against the remaining land comprised in the mortgage, as he would have had for recovering or compelling payment thereof as against the whole of the land originally comprised in the mortgage.

**Notes**

- <sup>1</sup>. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.66 (June 1, 2009)

**Modifications**

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**Subject:** Planning

**Keywords:** Compulsory purchase; Dogs; Mortgages; Severability

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**Compulsory Purchase Act 1965 c. 56**

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Acquisition of special interests

This version in force from: **June 1, 2009** to **present**

(4) (4) (version 2 of 2) (3) (3)

**17.— Compensation where mortgage paid off before stipulated time.**

(1) If in the mortgage deed a time was limited for the payment of the principal secured and under the three last foregoing sections the mortgagee has been required to accept payment of the principal at a time earlier than the time so limited, the amounts payable under those sections shall include—

(a) all such costs and expenses as may be incurred by the mortgagee in respect of, or as incidental to, the reinvestment of the sum paid off, and

(b) if the rate of interest secured by the mortgage is higher than can reasonably be expected to be obtained on reinvestment at the time the mortgage is paid off, regard being had to the current rate of interest, compensation in respect of the loss thereby sustained.

(2) The costs under paragraph (a) of the foregoing subsection shall, in case of difference, be taxed and their payment enforced in the manner provided in section 23 of this Act for costs of conveyances, and the amount of compensation under paragraph (b) of the foregoing subsection shall, in case of difference, be referred to and determined by the [Upper Tribunal]<sup>1</sup>.

**Notes**

- <sup>1</sup>. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.67 (June 1, 2009)

**Modifications**

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compensation; Compulsory purchase; Dogs; Mortgages; Payments

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## Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Acquisition of special interests

This version in force from: **June 1, 2009** to **present**

  (version 2 of 2)  

#### 18.— Rentcharges.

(1) If any difference arises between the acquiring authority and a person entitled to a rentcharge on any of the land subject to compulsory purchase as to the compensation to be paid for the release of the land from the rentcharge, or from the part of the rentcharge affecting the land, it shall be referred to and determined by the [Upper Tribunal] <sup>1</sup>.

(2) If part only of the land charged with a rentcharge is comprised in the land required by the acquiring authority the apportionment of the rentcharge—

(a) may be settled by agreement between the person entitled to the rentcharge and the owner of the land on the one part and the acquiring authority on the other part, and

(b) if not so settled, shall be referred to and determined by the [Upper Tribunal] <sup>1</sup>,

but if the remaining part of the land so charged is a sufficient security for the rentcharge the person entitled to the rentcharge may, with the consent of the owner of that part of the land, release from the rentcharge the land required by the acquiring authority on condition or in consideration of that part of the land remaining exclusively subject to the whole of the rentcharge.

(3) If the person entitled to a rentcharge on any of the land subject to compulsory purchase, on payment or tender to him of the compensation agreed or awarded, fails to execute in favour of the acquiring authority a release of the rentcharge, or if he fails to make out a good title to the rentcharge to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount of the compensation.

When the acquiring authority have paid the compensation into court, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act, and on execution of the deed poll the rentcharge, or the part of the rentcharge in respect of which the compensation was paid, shall be extinguished.

(4) If any of the land subject to compulsory purchase is so released from a rentcharge, or part of a rentcharge, to which it was subject jointly with other land, the last-mentioned land shall alone be charged with the whole of the rentcharge, or, as the case may be, with the remainder of the rentcharge, and the person entitled to the rentcharge shall have all the same rights and remedies over the last-mentioned land, for the whole, or as the case may be for the remainder, of the rentcharge as he had previously over the whole of the land subject to the rentcharge.

(5) If upon any rentcharge or part of a rentcharge being so released the deed or instrument creating or transferring the charge is tendered to the acquiring authority for the purpose, the acquiring authority shall affix their common or official seal to a memorandum of the release endorsed on the deed or instrument declaring—

(a) what part of the land originally subject to the rentcharge has been purchased by virtue of this Act, and

(b) if the land is released from part of the rentcharge, what part of the rentcharge has been released and how much of it continues payable, and

(c) if the land has been released from the whole of the rentcharge, then that the remaining land is thenceforward to remain exclusively charged with the rentcharge.

and the memorandum shall be made and executed at the expense of the acquiring authority and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

(6) In this section "*rentcharge*", in relation to any land, includes any other payment or incumbrance charged on the land not provided for in the foregoing provisions of this Act.

## Notes

<sup>1</sup> Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.68 (June 1, 2009)

## Modifications

Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

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Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)

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Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

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Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning **Other related subjects:** Real property

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Status:  Law In Force

## Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Acquisition of special interests

This version in force from: **June 1, 2009 to present** (version 2 of 2) **19.— Apportionment of rent under leases.**

- (1) If part only of the land comprised in a lease for a term of years unexpired is required by the acquiring authority, the rent payable in respect of the land comprised in the lease shall be apportioned between the land so required and the residue of the land.
- (2) The apportionment may be settled by agreement between the lessor and lessee of the land on the one part, and the acquiring authority on the other part, and if the apportionment is not so settled by agreement between the parties, it shall be settled by the [Upper Tribunal] <sup>1</sup>.
- (3) After the apportionment the lessee shall, as to all future accruing rent, be liable only for so much of the rent as is apportioned in respect of the land not required by the acquiring authority.
- (4) As respects the land not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of the apportioned rent as, before the apportionment, he had for the recovery of the whole rent reserved by the lease; and all the covenants, conditions and terms of the lease, except as to the amount of rent to be paid, shall remain in force with regard to the part of the land not so required in the same manner as they would have done if that part only of the land had been included in the lease.
- (5) Every such lessee shall be entitled to receive from the acquiring authority compensation for the damage done to him in his tenancy by reason of the severance of the land required by the acquiring authority from that not required, or otherwise by reason of the execution of the works.

**Notes**

- <sup>1</sup>. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.69 (June 1, 2009)

**Modifications**

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)
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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Apportionment; Compulsory purchase; Dogs; Rent

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**Compulsory Purchase Act 1965 c. 56**

**Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946**

**Acquisition of special interests**

This version in force from: **June 1, 2009 to present**

  (version 3 of 3)  

20.— Tenants at will, etc.

- (1) If any of the land subject to compulsory purchase is in the possession of a person having no greater interest in the land than as tenant for a year or from year to year, and if that person is required to give up possession of any land so occupied by him before the expiration of his term or interest in the land, he shall be entitled to compensation for the value of his unexpired term or interest in the land, and for any just allowance which ought to be made to him by an incoming tenant, and for any loss or injury he may sustain.
- (2) If a part only of such land is required, he shall also be entitled to compensation for the damage done to him [by severing] <sup>1</sup> land held by him or otherwise injuriously affecting it.
- (3) If the parties differ as to the amount of compensation payable under the foregoing provisions of this section the dispute shall be referred to and determined by the [Upper Tribunal] <sup>2</sup>.
- (4) On payment or tender of the amount of such compensation all such persons shall respectively deliver up to the acquiring authority, or to the person appointed by them to take possession, any such land in their possession required by the acquiring authority.
- (5) If any person having a greater interest than as tenant at will claims compensation in respect of any unexpired term or interest under any lease or grant of the land subject to compulsory purchase, the acquiring authority may require that person to produce the lease or grant, or the best evidence thereof in his power; and if, after demand in writing by the acquiring authority, the lease or grant, or that best evidence, is not produced within twenty-one days, that person shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.
- (6) This section has effect subject to section 39 of the Landlord and Tenant Act 1954.

### Notes

- <sup>1</sup> Words substituted by Planning and Compensation Act 1991 c. 34 Sch.15(1) para.4 (September 25, 1991)
- <sup>2</sup> Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.70 (June 1, 2009)

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- Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)
- Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24
- Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)
- Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168
- Pt I  
s.  
20 Modified in relation to compensation and compulsory purchase enactments for creation of new rights by A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014/2269, Sch. 6 para. 8, Pt 5 art. 20(6)
- Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 5
- Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Sch. 4 para. 8
- Modified to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 8
- Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 5
- Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Sch. 3 para. 8
- Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 5
- Modified in relation to the purchase of new rights by British Railways Act 1992 c. i, Sch. 2 para. 5
- Modified by British Railways Act 1994 c. iv, Sch. 2 para. 5
- Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 8
- Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 4
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 8, Pt 5 art. 20
- Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(e), Pt V s. 37
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 6, Pt III art. 7(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 6

- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(6), Pt I s. 4
- Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 8, Pt III art. 18
- Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Sch. 10 para. 8, Pt 3 art. 25
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights by Clocaenog Forest Wind Farm Order 2014/2441, Sch. 7 para. 8, Pt 3 art. 23(4)
- Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 7, Pt I s. 4C(5)
- Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 8
- Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(6), s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 5
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 8
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 8
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 8, Pt III art. 23
- Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 8, Pt 3 art. 23, Pt 6 art. 43
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 8, Pt 3 art. 26
- Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 8
- Modified by East Midlands Parkway Station (Land Acquisition) Order 2005/8, Sch. 1 para. 8
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 8, Pt 3 art. 25
- Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 8
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 8
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 8, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 8, Pt III art. 29
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 8, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Sch. 4 para. 8, Pt III art. 21
- Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 5
- Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 8, Pt III art. 11
- Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 8
- Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 8
- Modified by Hornsea One Offshore Wind Farm Order 2014/3331, Sch. 6(2) para. 6, Pt 5 art. 16(3)
- Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 14, Pt 1 c. 2 s. 9(6)
- Modified by Ipswich Barrier Order 2012/1867, Sch. 3 para. 8, Pt 6 art. 43
- Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 8, Pt 5 art. 22(3), Sch. 10 para. 3
- Modified in relation to the acquisition by the Urban Regeneration Agency of rights over land by virtue of 1993 c.28 s.162(2) by Leasehold Reform, Housing and Urban Development Act 1993 c. 28, Sch. 20(III) para. 23(3), Pt III s. 169
- Modified in relation to the purposes specified in SI 2013/1933 Sch.8 paras 3 and 8 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 8, Pt 3 art. 24(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Sch. 7 para. 8, Pt III art. 26
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 8
- Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 8, Pt III art. 19
- Modified in relation to the compulsory acquisition under SI 2014/3102 of a right by the creation of a new right, or in relation to the imposition of a restrictive covenant by London Underground (Northern Line Extension) Order 2014/3102, Sch. 3 para. 8
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 8
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 8
- Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 8, Pt 5 art. 20(4), Sch. 9 para. 3(1)
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 8, Pt 3 art. 28
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 8, Pt 3 art. 32
- Modified by National Grid (King's Lynn B Power Station Connection) Order 2013/3200, Sch. 3 para. 8, Pt 1 art. 3
- Modified for the purposes specified in SI 2014/1052 Sch.10 para.8 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 8, Pt 5 art. 25
- Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 8, Pt 3 art. 20, Pt 3 art. 21
- Modified in relation to the compulsory acquisition under SI 2014/2027 art.19 of a right over land by the creation of a new right or the imposition of a restrictive covenant under art.20(6) by Network Rail (Huyton) Order 2014/2027, Sch. 5 para. 8
- Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 8
- Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 8



Modified for the purposes specified in SI 2014/909 Sch.8 para.8 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 8

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 8, Pt 3 art. 19

Modified in relation to the protection for interests of tenants at will, etc by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 8

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 8, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 8, Pt 2 art. 6

Modified in relation to protection for interests of tenants at will, etc by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 8, Pt 5 art. 17

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 8, Pt 3 art. 26

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 8, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 8

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 8, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 8, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 8

Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 8

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 11, Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 8, Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 8

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 8, Pt III art. 15

Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 8, art. 25

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 5(3), Pt I s. 20

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 4

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 8, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 8, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 8

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 8, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 8, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 5, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 8

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 8

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 8, Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 8, Pt III art. 24

Modified in relation to compensation and compulsory purchase enactments for creation of new rights or the imposition of a restrictive covenant by Walney Extension Offshore Wind Farm Order 2014/2950, Sch. 7 para. 8

Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 7, Pt VI c. I s. 155

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 7, Pt VII c. I s. 154

Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 8

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**Subject:** Landlord and tenant **Other related subjects:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Tenancies at will; Tenancies from year to year; Tenants' rights

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

### Acquisition of special interests

This version in force from: **January 1, 1966** to **present**

 (version 1 of 1) 

#### 21.— Common land.

- (1) Schedule 4 to this Act (which relates to common land) shall apply for the purposes of this Act.
- (2) The said Schedule and the other provisions of this Act relating to common land have effect—

(a) subject to the provisions of the Inclosure Act 1852, the Inclosure Act 1854 and the Commonable Rights Compensation Act 1882 relating to the application of compensation money, and

(b) subject to section 22 of the Commons Act 1899 (which restricts grants or inclosures of commons).

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## Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77
3. S.21 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c. 70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(1), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)
- Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)
- Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10
- Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning

**Keywords:** Commons; Compulsory purchase; Dogs

Status:  Law In Force

### Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Supplemental

This version in force from: **January 1, 1966 to present**

 (version 1 of 1) 

#### 22.— Interests omitted from purchase.

(1) If after the acquiring authority have entered on any of the land subject to compulsory purchase it appears that they have through mistake or inadvertence failed or omitted duly to purchase or to pay compensation for any estate, right or interest in or charge affecting that land the acquiring authority shall remain in undisturbed possession of the land provided that within the time limited by this section—

- (a) they purchase or pay compensation for the estate, right or interest in or charge affecting the land, and
- (b) they also pay to any person who may establish a right to it, full compensation for the mesne profits,

and the compensation shall be agreed or awarded and paid (whether to claimants or into court) in the manner in which, under this Act, it would have been agreed or awarded and paid if the acquiring authority had purchased the estate, right, interest or charge before entering on the land, or as near to that manner as circumstances admit.

(2) The foregoing subsection shall apply whether or not the period specified in section 4 of this Act has expired.

(3) The time limited by this section shall be six months after the acquiring authority have notice of the estate, right, interest or charge or, if it is disputed by the acquiring authority, six months after the right to the estate, right, interest or charge is finally established by law in favour of the claimant.

(4) In assessing compensation under this section the value of the land, and of any estate or interest in the land, or any mesne profits of the land, shall be taken to be the value at the time when the acquiring authority entered on the land, and without regard to any improvements or works made in or upon the land by the acquiring authority, and as though the works had not been constructed.

(5) In this section the "*mesne profits*" means the mesne profits or interest which would have accrued to the persons concerned during the interval between the entry of the acquiring authority and the time when the compensation is paid, so far as such mesne profits or interest may be recoverable in any proceedings.

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## Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
3. S. 22 excluded by Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 10(3); extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16 (11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13
4. S. 22(1) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
5. S. 22(2) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
6. S. 22(3) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5
7. S. 22(5) modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4 (1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24 (2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

Pt I s. 22 Modified in relation to compensation and compulsory purchase enactments for creation of new rights by A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014/2269, Sch. 6 para. 9, Pt 5 art. 20(6)

Modified in relation to the purchase of new rights under 1992 c.iv s.21(2) by Aire and Calder Navigation Act 1992 c. iv, Sch. 3 para. 6

Modified by Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003/3364, Sch. 4 para. 9

Modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 9

Modified in relation to the acquisition of new rights under 1992 c.v s.26(1) by Avon Weir Act 1992 c. v, Sch. 3 para. 6

Modified by Borough of Poole (Poole Harbour Opening Bridges) Order 2006/2310, Sch. 3 para. 9

Modified in relation to the purchase of new rights under 1992 c.xi s.27(2) by British Railways (No. 2) Act 1992 c. xi, Sch. 3 para. 6

Modified in relation to the purchase of new rights by British Railways Act 1992 c. I, Sch. 2 para. 6

Modified by British Railways Act 1994 c. iv, Sch. 2 para. 6

Modified by Cambridgeshire Guided Busway Order 2005/3523, Sch. 7 para. 9

Modified in relation to the purchase of the new rights in pursuance of 1992 c.xiv s.5(1) by Cattewater Reclamation Act 1992 c. xiv, Sch. 1 para. 5

- Modified in relation to compensation and compulsory purchase enactments for creation of new rights and restrictive covenants by Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014/2637, Sch. 8 para. 9, Pt 5 art. 20
- Modified in relation to the compulsory creation and acquisition of an easement or right in land (in any enactment amended by 1987 c.53 Sch.5 para.8 referred to as "a right over land") by virtue of 1987 c.53 Sch.5 para.2 by Channel Tunnel Act 1987 c. 53, Sch. 5(III) para. 8(f), Pt V s. 37
- Modified by Channel Tunnel Rail Link (Boarley Lane Diversion) Order 1999/537, Sch. 2 para. 7, Pt III art. 7(2)(a)
- Modified by Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001/1451, Sch. 2 para. 7
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 4(III) para. 9(7), Pt I s. 4
- Modified by Chester Guided Busway Order 2002/412, Sch. 4 para. 9, Pt III art. 18
- Modified by Chiltern Railways (Bicester to Oxford Improvements) Order 2012/2679, Sch. 10 para. 9, Pt 3 art. 25
- Modified in relation to compensation and compulsory purchase enactments for creation of new rights by Clocaenog Forest Wind Farm Order 2014/2441, Sch. 7 para. 9, Pt 3 art. 23(4)
- Modified in relation to the compulsory acquisition under 1994 c.21 s.4C(1) of a right over land by the creation of a new right by Coal Industry Act 1994 c. 21, Sch. 1B para. 8, Pt I s. 4C(5)
- Modified as respects compensation in the case of a compulsory acquisition in relation to the proposed Crossrail Station at Paddington by Crossrail (Paddington Station Bakerloo Line Connection) Order 2014/310, Sch. 3 para. 9
- Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 7(7), s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Sch. 4 para. 6
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 9
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Sch. 7 para. 9
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 9, Pt III art. 23
- Modified by Docklands Light Railway (Stratford International Extension) Order 2006/2905, Sch. 8 para. 9, Pt 3 art. 23, Pt 6 art. 43
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Sch. 8 para. 9, Pt 3 art. 26
- Modified in relation to the compulsory acquisition under SI 2014/1599 of a right by the creation of a new right by East Anglia ONE Offshore Wind Farm Order 2014/1599, Sch. 7 para. 9
- Modified by East Midlands Parkway Station (Land Acquisition) Order 2005/8, Sch. 1 para. 9
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Sch. 6 para. 9, Pt 3 art. 25
- Modified by Felixstowe Dock and Railway Company (Land Acquisition) Order 2007/3345, Sch. 1 para. 9
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Sch. 7 para. 9
- Modified by Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997/1266, Sch. 8 para. 9, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Sch. 7 para. 9, Pt III art. 29
- Modified by Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996/2714, Sch. 6 para. 9, Pt III art. 26
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Sch. 4 para. 9, Pt III art. 21
- Modified in relation to the purchase of new rights under 1991 c.vii Part III by Heathrow Express Railway Act 1991 c. vii, Sch. 3 para. 6
- Modified by Heathrow Express Railway Extension Order 2002/1064, Sch. 2 para. 9, Pt III art. 11
- Modified in relation to the acquisition of land under SI 2012/1924 by Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012/1924, Sch. 1 para. 9
- Modified by Hinkley Point C (Nuclear Generating Station) Order 2013/648, Sch. 11 para. 9
- Modified by Hornsea One Offshore Wind Farm Order 2014/3331, Sch. 6(2) para. 7, Pt 5 art. 16(3)
- Modified by Housing and Regeneration Act 2008 c. 17, Sch. 2(1) para. 15, Pt 1 c. 2 s. 9(6)
- Modified by Ipswich Barrier Order 2012/1867, Sch. 3 para. 9, Pt 6 art. 43
- Modified in relation to compulsory acquisition under SI 2013/675 of a right by the creation of a new right by Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013/675, Sch. 10 para. 9, Pt 5 art. 22(3), Sch. 10 para. 3
- Modified in relation to the acquisition by the Urban Regeneration Agency of rights over land by virtue of 1993 c.28 s.162(2) by Leasehold Reform, Housing and Urban Development Act 1993 c. 28, Sch. 20(III) para. 23(4), Pt III s. 169
- Modified in relation to the purposes specified in SI 2013/1933 Sch.8 paras 3 and 9 by Leeds Railway Station (Southern Entrance) Order 2013/1933, Sch. 8 para. 9, Pt 3 art. 24(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Sch. 7 para. 9, Pt III art. 26
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 9
- Modified by London Underground (East London Line Extension) Order 1997/264, Sch. 7 para. 9, Pt III art. 19
- Modified in relation to the compulsory acquisition under SI 2014/3102 of a right by the creation of a new right, or in relation to the imposition of a restrictive covenant by London Underground (Northern Line Extension) Order 2014/3102, Sch. 3 para. 9, Pt 3 art. 26(4)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 9
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 9
- Modified without limitation on the scope of SI 2013/2808 Sch.9 para.3(1) in its application to the compulsory acquisition under SI 2013/2808 art.20 of a right over land by the creation of a new right or the imposition of a restrictive covenant by M1 Junction 10a (Grade Separation) Order 2013/2808, Sch. 9 para. 9, Pt 5 art. 20(4), Sch. 9 para. 3(1)
- Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 9, Pt 3 art. 28
- Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 9, Pt 3 art. 32

Modified by National Grid (King's Lynn B Power Station Connection) Order 2013/3200, Sch. 3 para. 9, Pt 1 art. 3

Modified for the purposes specified in SI 2014/1052 Sch.10 para.9 by National Grid (North London Reinforcement Project) Order 2014/1052, Sch. 10 para. 9, Pt 5 art. 25

Modified by Network Rail (Hitchin (Cambridge Junction)) Order 2011/1072, Sch. 8 para. 9, Pt 3 art. 20, Pt 3 art. 21

Modified in relation to the compulsory acquisition under SI 2014/2027 art.19 of a right over land by the creation of a new right or the imposition of a restrictive covenant under art.20(6) by Network Rail (Huyton) Order 2014/2027, Sch. 5 para. 9

Modified by Network Rail (Ipswich Chord) Order 2012/2284, Sch. 5 para. 9

Modified by Network Rail (North Doncaster Chord) Order 2012/2635, Sch. 9 para. 9

Modified for the purposes specified in SI 2014/909 Sch.8 para.9 by Network Rail (Norton Bridge Area Improvements) Order 2014/909, Sch. 8 para. 9

Modified by Network Rail (Nuneaton North Chord) Order 2010/1721, Sch. 6 para. 9, Pt 3 art. 19

Modified in relation to interests omitted from purchase by Network Rail (Ordsall Chord) Order 2015/780, Sch. 9 para. 9

Modified in relation to the compulsory acquisition under SI 2013/767 of a right by the creation of a new right by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Sch. 1 para. 9, Pt 2 art. 6(3)

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Sch. 2 para. 9, Pt 2 art. 6

Modified in relation acquiring authority by Network Rail (Redditch Branch Enhancement) Order 2013/2809, Sch. 7 para. 9, Pt 5 art. 17

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 9, Pt 3 art. 26

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 9, Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Sch. 9 para. 9

Modified by Northumberland County Council (A1 - South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015/23, Sch. 11 para. 9, art. 23

Modified by Nottingham Express Transit System Order 2009/1300, Sch. 7 para. 9, Pt 3 art. 32

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 9

Modified by Piccadilly Line (Heathrow T5 Extension) Order 2002/1065, Sch. 3 para. 9

Modified by Postal Services Act 2000 c. 26, Sch. 5(II) para. 12, Pt VI s. 95, Sch. 5(II) para. 6

Modified by Railtrack (Leeds Bridges) Order 1999/2336, Sch. 4 para. 9, Pt III art. 14

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, Sch. 1 para. 9

Modified by Railtrack (Shortlands Junction) Order 2001/2870, Sch. 2 para. 9, Pt III art. 15

Modified in relation to the compulsory acquisition under SI 2014/1873 art.25 of a right over land by the creation of a new right or the imposition of restrictive covenants by Rampion Offshore Wind Farm Order 2014/1873, Sch. 8 para. 9, art. 25

Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 5(4), Pt I s. 20

Modified by River Humber (Upper Pyewipe Outfall) Act 1992 c. xv, Sch. 1 para. 5

Modified by River Mersey (Mersey Gateway Bridge) Order 2011/41, Sch. 6 para. 9, Pt 3 art. 24

Modified by River Thames (Hungerford Footbridges) Order 1999/2981, Sch. 7 para. 9, Pt III art. 17

Modified by River Tyne (Tunnels) Order 2005/2222, Sch. 7 para. 9

Modified by Scarweather Sands Offshore Wind Farm Order 2004/3054, Sch. 3 para. 9, Pt III art. 20(6)

Modified by South Hampshire Rapid Transit Order 2001/3627, Sch. 8 para. 9, Pt III art. 38

Modified by Tamar Bridge Act 1998 c. iv, Sch. 1 para. 6, Pt II s. 5

Modified by Teesport (Land Acquisition) Order 2008/1238, Sch. 1 para. 9

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 9

Modified for the purpose specified in SI 2013/2587 by Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013/2587, Sch. 5 para. 9, Pt 3 art. 29(3)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 9, Pt III art. 24

Modified in relation to compensation and compulsory purchase enactments for creation of new rights or the imposition of a restrictive covenant by Walney Extension Offshore Wind Farm Order 2014/2950, Sch. 7 para. 9

Modified in relation to the compulsory acquisition under 1991 c.5 s.155(1) of a right over land by the creation of a new right by Water Industry Act 1991 c. 56, Sch. 9 para. 8, Pt VI c. I s. 155

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 8, Pt VII c. I s. 154

Modified by Welsh Highland Railway Order 1999/2129, Sch. 5 para. 9

Pt I s. 22(2) Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 3(4), s. 6

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**Subject:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Interest; Local authorities; Mesne profits

Status:  Law In Force

**Compulsory Purchase Act 1965 c. 56**  
**Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946**  
**Supplemental**

This version in force from: **October 1, 2009 to present**

(version 2 of 2)

**23.— Costs of conveyances etc.**

- (1) The costs of all conveyances of the land subject to compulsory purchase shall be borne by the acquiring authority.
- (2) The costs shall include all charges and expenses, whether incurred on the part of the seller or on the part of the purchaser,—
  - (a) of all conveyances and assurances of any of the land, and of any outstanding terms or interests in the land, and
  - (b) of deducing, evidencing and verifying the title to the land, terms or interests, and
  - (c) of making out and furnishing such abstracts and attested copies as the acquiring authority may require,
 and all other reasonable expenses incident to the investigation, deduction and verification of the title.
- (3) If the acquiring authority and the person entitled to any such costs do not agree as to the amount of the costs, the costs shall be taxed by a Master of the [Senior Courts] <sup>1</sup> on an order of the court obtained by either of the parties.
- (4) The acquiring authority shall pay what the Master certifies to be due in respect of the costs to the person entitled and, in default, that amount may be recovered in the same way as any other costs payable under an order of the [Senior Courts] <sup>1</sup>.
- (5) The expense of taxing the costs shall be borne by the acquiring authority unless on the taxation one-sixth of the amount of the costs is disallowed, and in that case the costs of the taxation shall be borne by the party whose costs have been taxed; and the amount thereof shall be ascertained by the Master and deducted by him accordingly in his certificate of taxation.
- (6) Conveyances of the land subject to compulsory purchase may be according to the forms in Schedule 5 to this Act, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the acquiring authority may think fit.

All conveyances made according to the forms in the said Schedule, or as near thereto as the circumstances of the case may admit, shall be effectual to vest the land thereby conveyed in the acquiring authority and shall operate to bar and to destroy all estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever of and in the land comprised in the conveyance which have been purchased or compensated for by the consideration mentioned in the conveyance.

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**Notes**

- <sup>1</sup>. Words substituted by Constitutional Reform Act 2005 c. 4 Sch.11(2) para.4(1) (October 1, 2009)

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**Modifications**

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)

Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)

Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)

Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)

Modified by Chester Guided Busway Order 2002/412, Pt III art. 17

Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)

Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)

Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)

Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)

Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

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Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

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Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

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Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

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Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

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Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

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Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning

**Keywords:** Compulsory purchase; Conveyances; Dogs; Expenses; Local authorities; Payments

Status:  Repealed

Compulsory Purchase Act 1965 c. 56

Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Supplemental

## Repealed

(version 1 of 1)

[...]<sup>1</sup>

2 3

## Notes

1. Repealed by Rentcharges Act 1977 (c.30), s. 17(2)(3), Sch. 2 (subject to savings in s. 17(4) in relation to applications for apportionment or redemption made before 22.8.1977 and in relation to the creation of rent charges by virtue of s. 17(2))
2. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58); Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
3. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12

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**Subject:** Planning **Other related subjects:** Real propertyStatus: ☒ Law In Force

## Compulsory Purchase Act 1965 c. 56

## Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

## Supplemental

This version in force from: **October 1, 2009 to present**

(version 2 of 2)

## 25.— Payment into court.

- (1) References in this Act to payment of money into court are references to payment of the money into the [Senior Courts]<sup>1</sup> and section 4 of the Administration of Justice Act 1965 (which prescribes the method of payment into court) shall apply accordingly.
- (2) Where any money paid into court under this Act was paid in respect of any lease, or any estate in land less than the whole fee simple, or of any reversion dependent on any such lease or estate, the High Court on the application of any person interested in the money may order that the money shall be laid out, invested, accumulated and paid in such manner as the court may consider will give to the persons interested in the money the same benefit as they might lawfully have had from the lease, estate or reversion or as near thereto as may be.
- (3) If any question arises respecting the title to land in respect of which money has been paid into court under this Act, the persons respectively in possession of the land, as being the owners, or in receipt of the rents of the land, as being entitled to the rents at the time when the land was purchased, shall be deemed to have been lawfully entitled to the land until the contrary is shown to the satisfaction of the court; and unless the contrary is shown to the satisfaction of the court the persons so in possession, and all persons claiming under them, or consistently with their possession, shall be deemed to be entitled to the money, so paid into court, and to the interest and dividends of it or of the securities purchased therewith; and the money, dividends interest and annual proceeds shall be paid and applied accordingly.

[...]<sup>2</sup>

## Notes

1. Words substituted by Constitutional Reform Act 2005 c. 4 Sch.11(2) para.4(1) (October 1, 2009)
2. Repealed by Statute Law (Repeals) Act 1973 (c.39), s. 1(1), Sch. 1 Pt. IX

## Modifications

Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)

Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)

Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)

Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)

Modified by Chester Guided Busway Order 2002/412, Pt III art. 17

Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)

Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)

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Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

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**Subject:** Planning

**Keywords:** Compulsory purchase; Dogs; Payment into court

Status:  Law In Force

## Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Supplemental

This version in force from: **January 1, 1966 to present**

 (version 1 of 1) 

#### 26.— Costs in respect of money paid into court.

(1) This section shall apply in relation to any compensation paid into court under this Act except where it was so paid in consequence—

- (a) of the wilful refusal of the person entitled to accept it, or
- (b) of the wilful refusal of that person to convey the land in respect of which the compensation was payable, or
- (c) of the wilful neglect of any person to make out a good title to the land.

(2) Where this section applies the High Court may order the acquiring authority to pay—

- (a) the costs of, or incurred in consequence of, the purchase of the land, and
- (b) the cost of the investment of the compensation paid into court, or of its reinvestment in the purchase of other land.

(3) References in this section to costs include references to all reasonable charges and expenses incidental to the matters mentioned in this section and to—

- (a) the cost of obtaining the proper orders for any of the purposes set out above,
- (b) the cost of obtaining the orders for the payment of dividends out of the compensation,
- (c) the cost of obtaining the orders for the payment out of court of the principal amount of the compensation, or of any securities in which it is invested, and
- (d) the cost of all proceedings relating to such orders, except such as are occasioned by litigation between adverse claimants.

(4) The costs of not more than one application for reinvestment in land shall be allowed unless it appears to the High Court that it is for the benefit of the parties interested in the compensation that it should be invested in the purchase of land in different sums and at different times.

1 2 3

#### Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3; Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
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3. S. 26 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 13(3), Sch. 3 paras. 4, 5; extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15 (9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

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Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

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 Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)  
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 Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)  
 Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24  
 Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)  
 Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning

**Keywords:** Compulsory purchase; Costs; Dogs; High Court; Payment into court

Status:  Repealed

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

Supplemental

Repealed

 (version 1 of 1) 

[...] <sup>1</sup>

2 3

#### Notes

1. Repealed by S.I. 1990/776, art. 3, Sch. 1
2. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
3. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12

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**Subject:** Planning **Other related subjects:** Real property

Status:  Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

Supplemental

This version in force from: **January 1, 1966 to present**

 (version 1 of 1) 

#### 28.— General provisions as to deeds poll.

- (1) Any deed poll executed by the acquiring authority in accordance with this Act shall be under their common seal or official seal.
- (2) Any such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the acquiring authority of the land described therein, or otherwise duly stamped.
- (3) The provisions of this Act as to the execution of deeds poll have effect subject to section 7(4) of the Law of Property Act 1925 (under which any such power of disposing of a legal estate exercisable by a person who is not the estate owner is, when practicable, to be exercised in the name and on behalf of the estate owner).

1 2 3

#### Notes

1. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 57B, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
3. S.28 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 15(11), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

## Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)
- Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)
- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
- Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)
- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
- Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)
- Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)
- Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23
- Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)
- Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)
- Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)
- Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)
- Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27
- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
- Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)
- Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)
- Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)
- Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10
- Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)
- Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)
- Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)
- Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)
- Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)
- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30  
 Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28  
 Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)  
 Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32  
 Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4  
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**Subject:** Planning

**Keywords:** Compulsory purchase; Deeds poll; Dogs; Local authorities


Status:  Repealed

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

##### Supplemental

Repealed on: **April 6, 2014**

 (version 2 of 2) 

[...] <sup>1</sup>

#### Notes

<sup>1</sup> Repealed by Tribunals, Courts and Enforcement Act 2007 c. 15 Sch.23(3) para.1 (April 6, 2014 as SI 2014/768)

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**Subject:** Planning **Other related subjects:** Real property

Status:  Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

##### Supplemental

This version in force from: **Date not available to present**

 (version 1 of 1) 

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30.

Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act.



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22

## Notes

1. S. 30 substituted by Acquisition of Land Act 1981 (c.67), s. 34(1), Sch. 4 para. 14(4)
2. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
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## Modifications

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- Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)
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- Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)
- Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)
- Modified by Chester Guided Busway Order 2002/412, Pt III art. 17
- Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)
- Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6
- Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)
- Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)
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- Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19
- Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)
- Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)
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- Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18
- Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)
- Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

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Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

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Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning

**Keywords:** Acquisition of land; Compulsory purchase; Consequential amendments; Dogs; Notices

Status: ☒ Law In Force

### Compulsory Purchase Act 1965 c. 56

### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

#### Supplemental

This version in force from: **October 1, 2006 to present**

  (version 3 of 3)  

#### 31. Ecclesiastical property.

Any sums agreed or awarded for the purchase of land being ecclesiastical property as defined in [section 12(3) of the Acquisition of Land Act]<sup>1</sup>, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the other provisions of this Act, but [shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and]<sup>2</sup> [shall be applied]<sup>3</sup> for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

[...]<sup>4</sup>

#### Notes

1. Words substituted by Acquisition of Land Act 1981 (c.67), s. 34(1), Sch. 4 para. 14(5)
2. Words substituted by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 Sch.5 para.12(2) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)
3. Words substituted by Planning and Compensation Act 1991 c. 34 Sch.15(II) para.19(b) (September 25, 1991)
4. Words repealed by Church of England (Miscellaneous Provisions) Measure 2006 No. 1 Sch.5 para.12(2) (October 1, 2006 as jointly appointed by the Archbishops of Canterbury and York in an instrument dated September 11, 2006)

#### Modifications

- Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

Modified in relation to the compulsory acquisition by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Sch. 6 para. 3(2)

Modified by British Railways Act 1994 c. iv, Pt I s. 4(1)

Modified in relation to the acquisition of land by Cardiff Bay Barrage Act 1993 c. 42, Pt II s. 4(2)(b)

Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)

Modified by Chester Guided Busway Order 2002/412, Pt III art. 17

Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)

Modified by Crossrail Act 2008 c. 18, Sch. 6(2) para. 2, s. 6

Modified by Croydon Tramlink Act 1994 c. xi, Pt I s. 5(1)

Modified by Croydon Tramlink Act 1994 c. xi, Pt III s. 30(4)(a)

Modified by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007/2297, Sch. 6 para. 3(2)

Modified by Docklands Light Railway (Capacity Enhancement) Order 2005/3105, Pt 3 art. 25(2)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Pt III art. 21(1)

Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

Modified by Galloper Wind Farm Order 2013/1203, art. 2(4)

Modified by Greater Manchester (Leigh Busway) Order 2005/1918, Pt 3 art. 21(1)

Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

Modified by Greater Nottingham Light Rapid Transit Act 1994 c. xv, Pt III s. 28(4)(a)

Modified in relation to the compulsory purchase of new rights under 1991 c.viii Part III by Heathrow Express Railway Act 1991 c. vii, Pt III s. 24(1)

Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Pt III art. 19(2)

Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Sch. 5 para. 3(2)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(1)

Modified by Luton Dunstable Translink Order 2006/3118, Pt 3 art. 20(2)

Modified by Luton Dunstable Translink Order 2006/3118, Sch. 7 para. 3(2)

Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)  
 Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)  
 Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)  
 Modified by Railtrack (Shortlands Junction) Order 2001/2870, Pt III art. 14(2)  
 Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20  
 Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)  
 Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)  
 Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24  
 Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)  
 Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Ecclesiastical law **Other related subjects:** Planning

**Keywords:** Compensation; Compulsory purchase; Dogs; Ecclesiastical property



Status:  Law In Force

### Compulsory Purchase Act 1965 c. 56

#### Part I COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

##### Supplemental

This version in force from: **Date not available to present**

 (version 1 of 1) 

### 32. Commencement of Part I.

This Part of this Act shall not apply in relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the [Acquisition of Land (Authorisation Procedure) Act 1946] <sup>1</sup>, or made under Part II of that Schedule, before the commencement of this Act.

2 3 4

#### Notes

1. Words substituted by Acquisition of Land Act 1981 (c.67), s. 34(1), Sch. 4 para. 14(6)
2. Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (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), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
2. Pt. I applied with modifications by Forestry Act 1967 (c. 10), ss. 39, 40, Sch. 4 para. 1, Sch. 5 Pt. III para. 11(1), Agriculture Act 1967 (c. 22), s. 49(7)(i), Greater London Council (General Powers) Act 1967 (c. xx), s. 15 and Post Office Act 1969 (c. 48), s. 60(1); applied (other than section 31) Housing Act 1988 (c.50), s.77 (7); modified by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II paras. 6, 7-12
4. S.32 extended by Telecommunications Act 1984 (c.12), Sch. 2 para. 16(1); applied with modifications by Local Government Act 1972 (c.70), ss. 120(3), 124(2), 273(1), S.I. 1978/829, art. 4, S.I. 1978/1125, art. 3 and New Towns Act 1981 (c.64), Sch. 6 Pt. I; applied by Welsh Development Agency Act 1975 (c.70), s. 22(6), Ancient Monuments and Archaeological Areas Act 1979 (c.46), ss. 11(4), 16(1), Airports Act 1986 (c.31), s. 59(2)(a); applied (with modifications) by Channel Tunnel Act 1987 (c.53), ss. 6, 37(4)(5), 38, Sch. 2 paras. 2(2), 15(9), Sch. 5 para. 3(1), 5(1), 8, Dartford-Thurrock Crossing Act 1988 (c.20), s. 2(2), Sch. 2 Pt. II para. 1, Sch. 3 para. 1(8), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 6-13, Water Act 1989 (c.15), ss. 151(5), 155(3)-(7), Sch. 18 para. 2(2)(3)-(8), Sch. 20 paras. 6(1)(a)(c), (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), 57(6), 58), s. 151(6), Sch. 20 para. 6(1)(a) (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), 57(6), 58) and Electricity Act 1989 (c.29), s. 10(1), Sch. 3 Pt. I paras. 7-13

#### Modifications

Pt I Modified in relation to the compulsory acquisition of land under 1992 c.iv by Aire and Calder Navigation Act 1992 c. iv, Pt I s. 4(1)

Modified in so far as not modified by or inconsistent with the provisions of this SI 2013/3244, in relation to the acquisition of land under SI 2013/3244 by Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013/3244, Pt 3 art. 24(2)

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Modified by Channel Tunnel Rail Link Act 1996 c. 61, Pt I s. 5(5)

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Modified by Crossrail (Plumstead Sidings) Order 2015/781, Pt 3 art. 9(2)

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Modified by Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002/1066, Sch. 7 para. 3(2), Pt III art. 23

Modified by Docklands Light Railway (Woolwich Arsenal Extension) Order 2004/757, Pt 3 art. 24(1)

Modified by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008/2512, Pt 3 art. 23(2)

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Modified by Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998/1936, Pt III art. 27

Modified by Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002/1327, Pt III art. 19

Modified in relation to the purchase of rights under 1991 c.xvi s.13(2) by Greater Manchester (Light Rapid Transit System) Act 1991 c. xvi, Pt III s. 13(4)(a)

Modified (except 1965 c.56 s.4 and 1965 c.56 Sch.3 para.3(3)) in relation to the compulsory acquisition of land under 1992 c.xviii by Greater Manchester (Light Rapid Transit System) Act 1992 c. xviii, Pt I s. 3(1)

Modified by Greater Manchester (Light Rapid Transit System) Act 1994 c. vi, Pt III s. 13(4)(a)

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Modified by Heathrow Express Railway Extension Order 2002/1064, Pt III art. 10

Modified by Ipswich Barrier Order 2012/1867, Pt 4 art. 22(2)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(1)

Modified by Knowsley Industrial Park (Rail Terminal) Order 2000/428, Pt III art. 11(2)

Modified by Leeds Supertram (Extension) Order 2001/1347, Pt III art. 25(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Pt 3 art. 17(1)

Modified by Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005/2786, Sch. 7 para. 3(2)

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Modified by London Underground (East London Line Extension) (No. 2) Order 2001/3682, Sch. 7 para. 3(2)

Modified in relation to the acquisition of land under SI 2014/3102 by London Underground (Northern Line Extension) Order 2014/3102, Pt 3 art. 24(2)

Modified by London Underground (Victoria Station Upgrade) Order 2009/2364, Pt 3 art. 18

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Modified by Merseytram (Liverpool City Centre to Kirkby) Order 2005/120, Pt 3 art. 30

Modified by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005/1794, Sch. 4 para. 3(2), Pt 3 art. 28

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Pt 3 art. 30(2)

Modified by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005/927, Sch. 7 para. 3(2), Pt 3 art. 32

Modified in relation to the acquisition of land under SI 2013/767 by Network Rail (Pont Briwet) (Land Acquisition) Order 2013/767, Pt 2 art. 4

Modified by Network Rail (Reading) (Land Acquisition) Order 2009/2728, Pt 2 art. 4

Modified by Network Rail (Thameslink 2000) Order 2006/3117, Sch. 7 para. 3(2), Pt 3 art. 26

Modified by Network Rail (Thameslink) (Land Acquisition) Order 2008/3163, Pt 2 art. 4

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Pt III art. 25(1)(b)

Modified by Network Rail (West Coast Main Line) Order 2003/1075, Sch. 9 para. 3(2), Pt III art. 26

Modified by Network Rail (West Coast Main Line) Order 2004/389, Pt III art. 23(2)

Modified by Nottingham Express Transit System Order 2009/1300, Pt 3 art. 30(1)

Modified by Ouseburn Barrage Order 2007/608, Pt 4 art. 24

Modified by Ouseburn Barrage Order 2007/608, Sch. 4 para. 3(2)

Modified by Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 2) Order 1997/2391, art. 16(3)

Modified by Railtrack (Luton Parkway Station: Land Acquisition) Order 1999/1555, art. 4(2)

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Modified by Regional Development Agencies Act 1998 c. 45, Sch. 5(II) para. 3(2)(a), Pt I s. 20

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Pt 3 art. 14(2)

Modified by Telford Railfreight Terminal (Donnington) Order 2005/1163, Sch. 6 para. 3(2)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Pt III art. 23(1)

Modified by Tyne and Wear Passenger Transport (Sunderland) Order 1998/3269, Sch. 7 para. 3(2), Pt III art. 24

Modified in relation to the compulsory acquisition under 1991 c.57 s.154(1) of a right over land by the creation of a new right by Water Resources Act 1991 c. 57, Sch. 18 para. 2(2)

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(a), Pt VII c. I s. 168

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**Subject:** Planning

**Keywords:** Acquisition of land; Commencement; Compulsory purchase; Disapplication; Dogs

Westlaw UK







Status: ☒ Law In Force

## Acquisition of Land Act 1981 c. 67

## Part I GENERAL

This version in force from: **July 22, 2004 to present**

(version 3 of 3)

**1.— Application of Act.**(1) In this Act "*compulsory purchase*" means a compulsory purchase of land, being—

- (a) a compulsory purchase to which this Act applies by virtue of any other enactment, whether or not passed or made before this Act, or
- (b) a compulsory purchase under an enactment specified in subsection (2) below.

(2) The enactments referred to in subsection (1)(b) above are—

section 2 of the Metropolitan Police Act 1886,  
 section 1(3) of the Military Lands Act 1892,  
 sections 25(1) and 39(1) of the Small Holdings and Allotments Act 1908,  
 section 5(1) of the Development and Road Improvements Funds Act 1909 as it applies to acquisition by local authorities (as defined in section 7(1) of this Act) or the Secretary of State,

[...] <sup>1</sup>[section 530(1) of the Education Act 1996] <sup>2</sup>[...] <sup>1</sup>[...] <sup>3</sup>.(3) In this section "*enactment*" includes any statutory instrument.**Notes**

- <sup>1</sup> Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(3) para.1 (July 22, 2004)
- <sup>2</sup> Words substituted by Education Act 1996 c. 56 Sch.37(I) para.50 (November 1, 1996)
- <sup>3</sup> Words repealed by Water Act 1989 (c.15), 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)

**Modifications**

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Real property**Keywords:** Acquisition of land; Compulsory purchase; InterpretationStatus: ☒ Law In Force / Amendment(s) Pending

## Acquisition of Land Act 1981 c. 67

## Part I GENERAL

## Compulsory purchase

This version in force from: **January 30, 1982 to April 5, 2018**

(version 1 of 2)

**2.— Procedure for authorisation.**

- (1) The authorisation of a compulsory purchase shall be conferred by an order (In this Act called a "*compulsory purchase order*").
- (2) A compulsory purchase order authorising a compulsory purchase by an authority other than a Minister shall be made by that authority and submitted to and confirmed by the confirming authority in accordance with Part II of this Act.
- (3) A compulsory purchase order authorising a compulsory purchase by a Minister shall be made by the Minister in accordance with Schedule 1 to this Act.

1 2

**Notes**

- <sup>1</sup> Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10)(d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190 (6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. I para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (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), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xvii) (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), 57(6), 58) Act

modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (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), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (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), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss. 226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

2. S. 4 ~applied by ~ applied by Dartford-Thurrock Crossing Act 1988 (c.20), ss.2(2), 19, Sch. 2 Pt. II para. 6

#### Modifications

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Real property

**Keywords:** Authorisation; Compulsory purchase; Compulsory purchase orders; Procedure

Status: ☒ Law In Force

#### Acquisition of Land Act 1981 c. 67

##### Part I GENERAL

##### Compulsory purchase

This version In force from: **February 3, 2017** to **present**

  (version 1 of 1)  

#### [ 2A Tunnels etc

(1) A compulsory purchase order may provide that in the following provisions, a reference to land (however expressed) does not include specified land that is at least 9 metres or more below the surface.

(2) The provisions mentioned in subsection (1) are—

- (a) Schedule 2A of the Compulsory Purchase Act 1965 (objection to division of land),
- (b) any substituted version of that Schedule that applies by virtue of provision made by or under any Act, and
- (c) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (objection to division of land).

] <sup>1</sup>

#### Notes

1. Added by Housing and Planning Act 2016 c. 22 Sch.17(2) para.9 (February 3, 2017)

#### Modifications

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Local government **Other related subjects:** Planning; Real property

Status: ☒ Law In Force

#### Acquisition of Land Act 1981 c. 67

##### Part I GENERAL

##### Compulsory purchase

This version in force from: **Date not available to present**

  (version 1 of 1)  

#### 3. Minerals.

Schedule 2 to this Act (exception of minerals from purchases etc.) shall have effect.

1 2

#### Notes

1. Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10)(d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190

(6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 78(1), Sch. 10 Pt. 1 para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (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), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (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), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (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), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (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), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss. 226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. I para. 26(2)(3)

2. S. 4 ~applied by ~ applied by Dartford-Thurrock Crossing Act 1988 (c.20), ss.2(2), 19, Sch. 2 Pt. II para. 6

## Modifications

Whole Document Modified in relation to the transfer of functions to the National Assembly for Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Mining **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Minerals; Mining

Status: ☒ Law In Force

## Acquisition of Land Act 1981 c. 67

### Part I GENERAL

#### Compulsory purchase

This version in force from: **June 1, 2009 to present**

(version 2 of 2)

## 4.— Assessment of compensation.

(1) In relation to a compulsory purchase the Land Compensation Act 1961 shall have effect subject to the provisions of this section.

(2) The [Upper Tribunal] <sup>1</sup> shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the [Upper Tribunal] <sup>1</sup> is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

## Notes

<sup>1</sup>. Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.150 (June 1, 2009)

## Modifications

Whole Document Modified in relation to the transfer of functions to the National Assembly for Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

Pt I s. 4 Modified by Channel Tunnel Rail Link (Thames Tunnel Approach) Order 2002/1943, art. 7

Modified by Crossrail Act 2008 c. 18, Sch. 6(3) para. 20, s. 6

Modified in relation to a compulsory acquisition under 1992 c.3 s.2 by Severn Bridges Act 1992 c. 3, Sch. 2(II) para. 5, Pt I s. 2

Modified by Tamar Bridge Act 1998 c. iv, Pt II s. 9

Modified in relation to so much of a compulsory works order as confers powers of compulsory acquisition by Water Resources Act 1991 c. 57, Sch. 19 para. 6(1)(b)

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**Subject:** Local government **Other related subjects:** Planning; Real property

**Keywords:** Assessment; Compensation; Compulsory purchase; Upper Tribunal

Status: ☒ Law In Force

## Acquisition of Land Act 1981 c. 67

### Part I GENERAL

#### Supplemental

This version in force from: **June 25, 2013 to present**

(version 2 of 2)

## 5.— Local inquiries.

(1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such public local inquiries as are directed by this Act and such other public local inquiries as he may think fit.

(2) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (giving of evidence on inquiries) shall apply to a public local inquiry held in pursuance of this Act.

(3) In relation to—

(a) a proposed acquisition of land by an authority other than a Minister, or

(b) the proposed extinction under Part VI of this Act of a right of way over land acquired or proposed to be acquired by an authority other than a Minister,

subsections (4) and (5) of the said section 250 (defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Act.

[

(4) In relation to each of the matters mentioned in paragraphs (a) and (b) of subsection (3), section 250(5) of the Local Government Act 1972 also applies—

(a) where arrangements are made for a public local inquiry to be held in England in pursuance of this Act but the inquiry does not take place;

(b) to the costs of a party to a public local inquiry held in England in pursuance of this Act who does not attend the inquiry.

] 1

#### Notes

1. Added by Growth and Infrastructure Act 2013 c. 27 s.3 (June 25, 2013: Insertion has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(1))

#### Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Planning inquiries

Status: ☒ Law In Force

### Acquisition of Land Act 1981 c. 67

#### Part I GENERAL

#### Supplemental

This version in force from: **October 31, 2004 to present**

  (version 1 of 1)  

[

#### 5A Power to require information

(1) This section applies to information about land in relation to which an acquiring authority is entitled to exercise a power of compulsory purchase.

(2) The acquiring authority may serve a notice on a person mentioned in subsection (4) requiring him to give to the authority in writing the following information—

(a) the name and address of any person he believes to be an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;

(b) the name and address of any person he believes to have an interest in the land.

(3) The power in subsection (2) is exercisable for the purpose of enabling the acquiring authority to acquire the land.

(4) The persons are—

(a) the occupier of the land;

(b) any person who has an interest in the land either as freeholder, mortgagee or lessee;

(c) any person who directly or indirectly receives rent for the land;

- (d) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.
- (5) The notice must specify the period within which the information must be given to the acquiring authority (being a period of not less than 14 days beginning with the day on which the notice is served).
- (6) The notice must also specify or describe—
- (a) the land,
  - (b) the compulsory purchase power, and
  - (c) the enactment which confers the power.
- (7) The notice must be in writing.
- (8) Section 6(4) does not apply to notices to be served under this section.

] <sup>1</sup>**Notes**

1. Added by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.105(2) (October 31, 2004)

**Modifications**

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Real property

**Keywords:** Compulsory purchase; Information; Powers rights and duties

Status: ☒ Law In Force

**Acquisition of Land Act 1981 c. 67**

**Part I GENERAL**

**Supplemental**

This version in force from: **October 31, 2004 to present**

  (version 1 of 1)  

[

**5B Offences relating to information**

- (1) A person commits an offence if he fails without reasonable excuse to comply with a notice served on him under section 5A.
- (2) A person commits an offence if, in response to a notice served on him under section 5A—
- (a) he gives information which is false in a material particular, and
  - (b) when he does so, he knows or ought reasonably to know that the information is false.
- (3) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person purporting to act in any such capacity,
- he, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.
- (4) The reference in subsection (3) to a director must be construed in accordance with section 331(2) of the Town and Country Planning Act 1990.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

] <sup>1</sup>**Notes**

1. Added by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.105(2) (October 31, 2004)

**Modifications**

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Information; Offences

Status: ☒ Law In Force

**Acquisition of Land Act 1981 c. 67**

**Part I GENERAL**

**Supplemental**

This version in force from: **August 6, 2004 to present**

  (version 3 of 3)  

**6.— Service of documents.**

(1) Any notice or other document required or authorised to be served under this Act may be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the document shall not be duly served by post unless it is sent by registered letter, or by the recorded delivery service.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of section 7 of the Interpretation Act 1978 the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the authority or Minister having jurisdiction to make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or address of an owner, lessee [, tenant] <sup>1</sup> or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of "Owner" "lessee" [, "tenant"] <sup>2</sup> or "occupier" of the land (describing it) to which it relates, and by delivering it to some person on the [land or, if there is no person on the land to whom it may be delivered, by leaving it or a copy of it on or near the land] <sup>3</sup> :

Provided that this subsection shall not have effect in relation to an owner, lessee [, tenant] <sup>1</sup> or occupier being a local authority or statutory undertakers or the National Trust.

**Notes**

1. Word inserted by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.100(2)(a) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
2. Word inserted by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.100(2)(b) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)
3. Words substituted by Planning and Compensation Act 1991 c. 34 Sch.15(1) para.8 (September 25, 1991)

**Modifications**

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

Pt I s. 6(4) Modified by Channel Tunnel Rail Link Act 1996 c. 61, Sch. 2 para. 7(8), Pt I s. 2, Sch. 2 para. 6(8)


Modified by Crossrail Act 2008 c. 18, Sch. 2 para. 5(8), s. 2

Modified by Crossrail Act 2008 c. 18, Sch. 2 para. 6(8), s. 2

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Documents; Service provision

Status: ☒ Law In Force /  Amendment(s) Pending

## Acquisition of Land Act 1981 c. 67

## Part I GENERAL

## Interpretation

This version in force from: **October 1, 2011 to present**

(version 10 of 11)

**7.— Interpretation.**

(1) In this Act, except where the context otherwise requires—

"*acquiring authority*", in relation to a compulsory purchase, means the Minister, local authority or other person who may be authorised to purchase the land compulsorily,

"*compulsory purchase order*" means an order under section 2(1) above,

"*confirming authority*", in relation to a compulsory purchase, means, where the acquiring authority is not a Minister, the Minister having power to authorise the acquiring authority to purchase the land compulsorily,

"*land*"—

(a) includes messuages, tenements and hereditaments, and

(b) in relation to compulsory purchase under any enactment, includes anything falling within any definition of the expression in that enactment,

["*local authority*" means — [

(a) a billing authority or a precepting authority, as defined in section 69 of the Local Government Finance Act 1992;

[

(a) the London Fire and Emergency Planning Authority;

] <sup>3</sup> [

(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

] <sup>4</sup> ] <sup>2</sup>

(b) a levying body within the meaning of section 74 of [the Local Government Finance Act 1988] <sup>4</sup> ;

(c) a body as regards which section 75 of that Act applies;

(d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and

(e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple,

] <sup>1</sup>

"*National Trust*" means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907,

"*owner*" in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years [ and a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative] <sup>5</sup> ,

"*prescribed*" see subsection (2) below.

["*universal service provider*" has the same meaning as in [Part 3 of the Postal Services Act 2011] <sup>7</sup> ; and references to the provision of a universal postal service shall be construed in accordance with [that Part] <sup>8</sup> .] <sup>6</sup>

(2) Anything which, by Part II or III of this Act, or Schedule 1 or 3 of this Act, is required or authorised to be prescribed shall be prescribed by regulations made by the Secretary of State by statutory instrument.

[

(3) But an instrument containing regulations made for the purposes of section 13A or paragraph 4A of Schedule 1 is subject to annulment in pursuance of a resolution of either House of Parliament.

] <sup>2</sup>

**Notes**

- <sup>1</sup>. Definition substituted by S.I. 1990/776, art. 8 Sch. 3 Pt. I para. 23
- <sup>2</sup>. Para.(a) and (aa) substituted for para.(a) by Local Government Finance Act 1992 c. 14 Sch.13 para.52 (November 2, 1992)
- <sup>3</sup>. Added by Greater London Authority Act 1999 c. 29 Sch.29(1) para.34(2) (July 3, 2000)
- <sup>4</sup>. Amended by Fire and Rescue Services Act 2004 c. 21 Sch.1 para.53 (November 10, 2004 as SI 2004/2917)
- <sup>5</sup>. Words added in definition by Planning and Compensation Act 1991 c. 34 Sch.15(1) para.9 (September 25, 1991)
- <sup>6</sup>. Definition inserted by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 Sch.1(1) para.54(2) (March 26, 2001)
- <sup>7</sup>. Words substituted by Postal Services Act 2011 c. 5 Sch.12(3) para.110(a) (October 1, 2011)
- <sup>8</sup>. Words substituted by Postal Services Act 2011 c. 5 Sch.12(3) para.110(b) (October 1, 2011)
- <sup>9</sup>. Added by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.100(3) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; October 21, 2004 otherwise)

**Modifications**

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1

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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Acquisition of land; Compulsory purchase; Interpretation

Status: ☒ Law In Force

**Acquisition of Land Act 1981 c. 67**

**Part I GENERAL**

**Interpretation**

This version in force from: **December 21, 2001 to present**

(version 3 of 3)

**8.— Statutory undertakers.**

(1) In this Act, unless the context otherwise requires, "*statutory undertakers*" means—

(a) any person authorised by any enactment to construct, work or carry on—

(i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or

(ii) any dock, harbour, pier or lighthouse undertaking, or

(iii) any undertaking for the supply of [...] <sup>1</sup>, [...] <sup>2</sup>, [or hydraulic power] <sup>3</sup>, or

(b) [...] <sup>4</sup> the Civil Aviation Authority [ or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)] <sup>5</sup>, or

(c) [a universal service provider in connection with the provision of a universal postal service] <sup>6</sup>[...] <sup>7</sup>,

and in this subsection "*enactment*" means any Act or any order or scheme made under or confirmed by an Act.

[

(1ZA) The undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaking for the purposes of this Act except to the extent that it is the person's undertaking as licence holder; and references in this Act to the person's undertaking shall be construed accordingly.

] <sup>8</sup>

[

(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.

] <sup>2</sup>

[...] <sup>10</sup>

(3) In this Act "*the appropriate Minister*" means, in relation to any statutory undertakers, the Secretary of State.

(4) If any question arises under this Act which Minister is the appropriate Minister, the question shall be determined by the Treasury.

**Notes**

- <sup>1</sup>. Word repealed by Electricity Act 1989 (c.29), s. 112(4), Sch. 18
- <sup>2</sup>. Word repealed by Gas Act 1986 (c.44), s. 67(4), Sch. 9 Pt. I
- <sup>3</sup>. Words substituted by Water Act 1989 (c.15), s. 190, Sch. 25 para. 65 (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)&ndash;(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- <sup>4</sup>. Words repealed by Airports Act 1986 (c.31), s. 83(5), Sch. 6 Pt. I
- <sup>5</sup>. Words inserted by Transport Act 2000 (Consequential Amendments) Order 2001/4050 Sch.1(II) para.5(a)(i) (December 21, 2001)
- <sup>6</sup>. Words substituted by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 Sch.1(1) para.54(3)(a) (March 26, 2001)
- <sup>7</sup>. Words repealed by Telecommunications Act 1984 (c.12), Sch. 4 para. 3(1), s. 109(1)(4)(6), Sch. 5 para. 45 and Sch. 7 Pt. I
- <sup>8</sup>. Added by Transport Act 2000 (Consequential Amendments) Order 2001/4050 Sch.1(II) para.5(a)(ii) (December 21, 2001)
- <sup>9</sup>. Added by Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149 Sch.1(1) para.54(3)(b) (March 26, 2001)
- <sup>10</sup>. Repealed by Airports Act 1986 (c.31), s. 83(5), Sch. 6 Pt. I

**Modifications**

Whole Document Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1



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**Subject:** Local government **Other related subjects:** Planning; Real property

**Keywords:** Interpretation; Statutory undertakings

Status: ☒ Law In Force

## Acquisition of Land Act 1981 c. 67

### Part I GENERAL

#### Interpretation

This version in force from: **January 30, 1982 to present**

  (version 1 of 1)  

#### 9. Land held inalienably.

For the removal of doubt it is hereby declared that any power conferred—

(a) under this Act, or

(b) by or under the Acquisition of Land (Authorisation procedure) Act 1946, or any enactment passed before the commencement of that Act,

to purchase land compulsorily is, except in so far as any express provision of any such enactment restricts the exercise of the power, exercisable notwithstanding any other enactment providing that the land shall be inalienable.

1

#### Notes

1. Act applied with (modifications) by Housing Act 1985 (c.68), s.578 Act applied by Housing Associations Act 1985 (c.69), s.88(3)(a) Act applied by Airports Act 1986 (c.31), s.59(1)(a) Act extended by Airports Act 1986 (c.31), s.58, Sch. 2 para. 1(1) Act applied by Gas Act 1986 (c.44), s.9(3), Sch. 3 Pt. II para. 4 Act extended by Gas Act 1986 (c.44), s.67(1)(3), Sch. 7 para. 2(1)(xiii), Sch. 8 para. 33 Act modified by Gas Act 1986 (c.44), s. 67(1)(3), Sch. 7 para. 2(10)(d) Act applied by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(6), 23(2), 27(2), Sch. 3 para. 44(4) Act applied (with modifications) by Education Reform Act 1988 (c.40), ss. 190 (6), 201(6) Act applied (with modifications) by Housing Act 1988 (c.50), ss. 77(4), 79(1), Sch. 10 Pt. 1 para. 1 Act applied by Water Act 1989 (c.15), s.151(4) (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), 57(6), 58) Act extended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(2)(xxvii) (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), 57(6), 58) Act modified by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(10)(ix) (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), 57(6), 58) Act amended by Water Act 1989 (c.15), s. 190, Sch. 25 para. 1(11)(v) (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), 57(6), 58) Act applied (with modifications) by Electricity Act 1989 (c.29), ss. 10(1)(2), 112(3), Sch. 3 Pt. II para. 5, Sch. 17 para. 35(1) Act amended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 2(2)(9)(g), Sch. 17 paras. 33, 35(1) Act modified by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 3(2)(h), Sch. 17 paras. 33, 35(1) Act applied by Town and Country Planning Act 1990 (c.8), ss.226(7), 228(7), 254(2) Act applied by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), ss. 47(2), 61(2) Act applied (with modifications) by National Health Service and Community Care Act 1990 (c.19), s.1(2), Sch. 1 Pt. 1 para. 26(2)(3)

#### Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
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**Subject:** Planning **Other related subjects:** Real property

**Keywords:** Compulsory purchase; Interpretation; Rule against inalienability

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STATUTORY INSTRUMENTS

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1993 No. 407

**LOCAL GOVERNMENT, ENGLAND AND WALES**  
**FINANCE**

**The Local Authorities (Recovery of Costs  
for Public Path Orders) Regulations 1993**

*Approved by both Houses of Parliament*

*Made - - - - 26th February 1993*

*Coming into force - - 15th March 1993*

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 150 and 152(5)(1) of the Local Government and Housing Act 1989(2), and of all other powers enabling them in that behalf, after consultation with such representatives of local government as appear to them to be appropriate(3), hereby make the following Regulations, a draft of which has been laid before, and has been approved by resolution of, each House of Parliament:

**Citation and commencement**

1. These Regulations may be cited as the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 and shall come into force on 15th March 1993.

**Interpretation and application**

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1980 Act” means the Highways Act 1980(4);

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“authority” means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a joint or special planning board constituted for a National Park by an order under paragraph 1 or 3 of Schedule 17 to the Local Government Act 1972(6), or the Broads Authority;

---

(1) See the definition of “prescribed”.

(2) 1989 c. 42.

(3) See section 152(6) of the Local Government and Housing Act 1989 (c. 42).

(4) 1980 c. 66.

(5) 1990 c. 8.

(6) 1972 c. 70.

“bridleway” and “footpath” have the meanings given by sections 329(1) and (2) of the 1980 Act;

“local advertisement” means the publication in a local newspaper circulating in the area of any notice in accordance with Schedule 6 to the 1980 Act or Schedule 14 to the 1990 Act (as the case may be);

“operator” and “railway” have the same meanings as in sections 118A and 119A of the 1980 Act(7);

“public path” means a bridleway or footpath;

“public path order” means an order made under—

- (a) section 26, 118, 118A, 119 or 119A of the 1980 Act; or
- (b) section 257 or 261(2) of the 1990 Act;

“unopposed order” means a public path order where no representations or objections have been duly made, or if any were so made they have been withdrawn.

(2) These Regulations apply in relation to any request falling within regulation 3(1) of these Regulations made on or after the date when the Regulations come into force.

### **Power to charge in respect of the making and confirmation of public path orders**

3.—(1) Where—

- (a) the owner, lessee or occupier of land or the operator of a railway requests an authority to make a public path order under section 26, 118, 118A, 119 or 119A of the 1980 Act, or
- (b) any person requests an authority to make a public path order under section 257 or 261(2) of the 1990 Act,

and the authority comply with that request, they may impose on the person making the request any of the charges mentioned in paragraph (2) below.

(2) Those charges are—

- (a) a charge in respect of the costs incurred in the making of the order; and
- (b) a charge in respect of each of the following local advertisements, namely the local advertisements on the making, on the confirmation, and on the coming into operation or force, of the order.

### **Amount of charge**

4.—(1) Subject to paragraphs (2) and (3) below, the amount of a charge shall be at the authority’s discretion.

(2) The maximum amount of a charge in respect of the costs incurred in the making of a public path order is—

- (a) £400, where the order relates to the creation, stopping up or diversion of one public path,
- (b) £400 plus £75 for each additional public path to be created, stopped up or diverted, where the order relates to more than one public path to be created, stopped up or diverted.

(3) The amount of a charge in respect of any one of the local advertisements referred to in regulation 3(2)(b) shall not exceed the cost of placing one advertisement in one newspaper.

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(7) Sections 118A and 119A were inserted by section 47 of, and paragraphs 3 and 4 of Schedule 2 to, the Transport and Works Act 1992 (c. 42).

### **Refund of charges**

5. The authority shall, on application by the person who requested them to make the public path order, refund a charge where—

- (a) they fail to confirm an unopposed order; or
- (b) having received representations or objections which have been duly made, and have not been withdrawn, the authority fail to submit the public path order to the Secretary of State for confirmation, without the agreement of the person who requested the order; or
- (c) the order requested was an order made under section 26 of the 1980 Act and proceedings preliminary to the confirmation of that order were not taken concurrently with proceedings preliminary to the confirmation of an order made under section 118 of the 1980 Act; or
- (d) the public path order is not confirmed by the authority or, on submission to the Secretary of State, by him, on the ground that it was invalidly made.

26th February 1993

*Michael Howard*  
Secretary of State for the Environment

26th February 1993

*David Hunt*  
Secretary of State for Wales

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for county councils, district councils, London borough councils, the Common Council of the City of London, the Council of the Isles of Scilly, joint or special planning boards and the Broads Authority to impose charges for dealing with requests to make orders for—

- (a) the creation of a footpath or bridleway under section 26 of the Highways Act 1980, where the proceedings are taken concurrently with proceedings for the stopping up of a footpath or bridleway under section 118;
- (b) the stopping up and diversion of footpaths or bridleways under sections 118, 118A (railway crossings) 119 and 119A (railway crossings) of the Highways Act 1980; and
- (c) the stopping up and diversion of footpaths or bridleways under sections 257 (footpaths and bridleways affected by development) and 261 (temporary stopping up of highways for mineral workings) of the Town and Country Planning Act 1990.

The amount which may be charged may not exceed the costs actually incurred, and shall be subject to a maximum of—

- (a) £400 for the making of an order relating to a path, plus £75 for each additional path included in the order, and
- (b) the fee for one advertisement in a local newspaper on the occasion of the making, confirmation and certification of an order.







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STATUTORY INSTRUMENTS

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2017 No. 1074

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Network Rail (Closure of Abbots Ripton Level Crossing)  
Order 2017

*Made* - - - - 17th November 2017

*Coming into force* - - 8th December 2017

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SCHEDULE 1 — MODIFICATION OF COMPENSATION AND  
COMPULSORY PURCHASE ENACTMENTS FOR  
CREATION OF NEW RIGHTS

SCHEDULE 2 — FOR PROTECTION OF LEAD LOCAL FLOOD  
AUTHORITY

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 13th November 2017.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 2, 4, 5, 7, 10, 11 and 16 of Schedule 1 to, the 1992 Act makes the following Order:—

PART 1  
PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017 and comes into force on 8th December 2017.

**Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(c);

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(a) S.I. 2006/1466, as amended by S.I. 2010/439, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755

(b) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c.29). Section 5 was amended by S.I. 2012/1659.

(c) 1961 c. 33.

“the 1965 Act” means the Compulsory Purchase Act 1965(a);

“the 1980 Act” means the Highways Act 1980(b);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(c);

“the 1991 Act” means the New Roads and Street Works Act 1991(d);

“the Abbots Ripton Level Crossing” is the crossing of the East Coast Main Line railway on the level south west of the village of Abbots Ripton in the district of Huntingdonshire, in the County of Cambridgeshire, which has the status of a bridleway;

“address” includes any number or address used for the purposes of electronic transmission;

“the authorised works” means the works authorised by this Order in accordance with article 4 (power to construct and maintain works);

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“the deposited plan” means the plan certified by the Secretary of State as the deposited plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“highway authority” has the same meaning as in the 1980 Act;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and maintenance is to be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited (company No. 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN;

“new public right of way” means the new bridleway between points C, D, E, F, G and H shown on the deposited plan;

“the Order limits” means the limits of land to be acquired or used shown on the deposited plan;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(e);

“the tribunal” means the Lands Chamber of the Upper Tribunal; and

“the undertaking” means the railway undertaking of Network Rail as existing from time to time.

(2) References in this Order to points identified by letters and numbers are construed as references to a point so shown on the deposited plan.

### **Dis-application of legislative provisions**

3.—(1) Section 6 of the Great Northern Railway Act 1898(f) (power to cross certain roads on the level) is disapplied in relation to the public in plots 22 and 24 in the parish of Abbots Ripton with Werrington as shown on the deposited plan for that Act.

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(a) 1965 c.56  
(b) 1980 c.66.  
(c) 1981 c. 66  
(d) 1991 c.22.  
(e) 1981 c.67.  
(f) 1898 c. clxv

(2) The following provisions do not apply in relation to any works executed under the powers conferred by this Order—

- (a) section 23 (prohibition on obstacles etc. in watercourses) of the Land Drainage Act 1991(a); and
- (b) the provisions of any byelaws made under, or having effect as if made under, section 66 (powers to make byelaws) of that Act, which require consent or approval for the carrying out of the works.

## PART 2

### CROSSINGS

#### **Power to construct and maintain works**

**4.—**(1) Network Rail may construct and maintain within the Order limits such works as are required:—

- (a) in connection with the extinguishment of the right of way specified in paragraph (2) of article 5 (closure of level crossing);
- (b) to provide the new public right of way;

including the provision of a culvert and any fencing, stiles, gates, signs or other conveniences as may be necessary or expedient for the purposes of the provision or extinguishment of the rights of way.

#### **Closure of level crossing**

**5.—**(1) Subject to paragraph (3), the Abbots Ripton level crossing is stopped-up and discontinued.

(2) Subject to paragraph (3), upon the stopping up and discontinuance of the Abbots Ripton level crossing any rights of way over the crossing are extinguished between points A and B as shown on the deposited plans.

(3) Paragraphs (1) and (2) are not to have effect until the new public right of way has been provided and completed, in accordance with article 6 (creation and maintenance of new public rights of way) and is open to use.

(4) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply so as to extinguish the rights of statutory undertakers to maintain their apparatus.

#### **Creation and maintenance of new public rights of way**

**6.—**(1) The new public right of way is to be completed to the reasonable satisfaction of the highway authority and is to be maintained by and at the expense of Network Rail for a period of 12 months from its completion and after the expiry of that period by and at the expense of the highway authority.

(2) Section 28 (compensation for loss caused by public path creation order) of the 1980 Act is to apply to the new public right of way as if the right of way had been created by a public path creation order.

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(a) 1991 c. 59.

(3) In its application by virtue of paragraph (2), section 28 of the 1980 Act is to have effect with the following modifications:—

(a) In sub-section (1), substitute the words “Network Rail” for the words “the authority by whom the Order was made”;

(b) For sub-section (2), substitute—

“(2) A claim for compensation under this section is to be made to Network Rail in writing within 6 months from the coming into force of the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017(a) and is to be served on Network Rail by delivering it at, or by sending it by pre-paid post to the registered office of Network Rail Infrastructure Limited”; and

(c) Sub-section (3) is omitted.

(4) Sub-section (3) of section 307 (disputes as to compensation which are to be determined by Lands Tribunal and related provisions) of the 1980 Act, in its application to section 28 by virtue of sub-section (1), is to have effect as if in sub-section (2) for the words “the authority from whom the compensation in question is claimed”, the words “Network Rail” are substituted.

(5) In any action against Network Rail in respect of loss or damage resulting from any failure by it to maintain the new public right of way, it is a defence (without affecting any other defence or the application of the law relating to contributory negligence) to prove that Network Rail had taken such care as in all the circumstances was reasonably required to secure that the part of the new public right of way to which the action relates was not dangerous to traffic.

(6) For the purposes of a defence under paragraph (5), the court must in particular have regard to the following matters—

(a) the character of the new public right of way and the traffic which was reasonably to be expected to use it;

(b) the standard of maintenance appropriate for a public right of way of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the new public right of way;

(d) whether Network Rail knew, or could reasonably have been expected to know, that the condition of the part of the new public right of way to which the action relates was likely to cause danger to users of the new public right of way;

(e) where Network Rail could not reasonably have been expected to repair that part of the new public right of way before the cause of action arose, what warning notices of its condition had been displayed;

but for the purposes of such a defence it is not relevant to prove that Network Rail had arranged for a competent person to carry out or supervise the maintenance of the part of the new public right of way to which the action relates unless it is also proved that Network Rail had given the competent person proper instructions with regard to the maintenance of the new public right of way and that the competent person had carried out those instructions.

(7) The new public right of way is to be treated as completed to the satisfaction of the highway authority for the purpose of paragraph (1) if it fails to reply to a request for certification that it is satisfied with the work within 28 days of receiving the request.

#### *Supplemental Powers*

#### **Power to survey and investigate land**

7.—(1) Network Rail may for the purposes of this Order—

(a) survey or investigate any land shown within the Order limits;

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(a) S.I. 2017/1074.

- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions on the land as Network Rail thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
  - (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land;
  - (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and
  - (e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d).
- (2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.
- (3) Any person entering land under this article on behalf of Network Rail—
- (a) must, if so required, before or after entering the land produce written evidence of authority to do so including any warrant issued under paragraph (4);
  - (b) may not use force unless a justice of the peace has issued a warrant under paragraph (4) authorising the person to do so; and
  - (c) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) A justice of the peace may issue a warrant authorising a person to use force in the exercise of the power conferred by this article if satisfied—
- (a) that another person has prevented or is likely to prevent the exercise of that power; and
  - (b) that it is reasonable to use force in the exercise of that power.
- (5) The force that may be authorised by a warrant is limited to that which is reasonably necessary.
- (6) A warrant authorising the person to use force must specify the number of occasions on which Network Rail can rely on the warrant when entering and surveying or valuing land.
- (7) The number specified must be the number which the justice of the peace considers appropriate to achieve the purpose for which the entry and survey or valuation are required.
- (8) Any evidence in proceedings for a warrant under this article must be given on oath.
- (9) No trial holes are to be made under this article—
- (a) in a carriageway or footway without the consent of the highway authority; or
  - (b) in a private street without the consent of the street authority,
- but such consent must not be unreasonably withheld.
- (10) Network Rail must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.
- (11) If either a highway authority or a street authority which receives an application for consent fails to notify Network Rail of its decision within 28 days of receiving the application for consent—
- (a) under paragraph (9)(a) in the case of a highway authority; or
  - (b) under paragraph (9)(b) in the case of a street authority,
- that authority is deemed to have granted consent.



**PART 3**  
**ACQUISITION AND POSSESSION OF LAND**  
*Powers of acquisition*

**Power to acquire new rights**

8.—(1) Network Rail may acquire compulsorily, by the creation of a new right or rights, such easements or other rights over the land within the plots shown numbered 2, 3, 4, 5, 6, 7, 8, 9 and 10 on the deposited plan as it may require for the purposes of construction and maintenance of the authorised works.

(2) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the compulsory acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(a) applies; and
- (b) as if this Order were a compulsory purchase Order under that Act.

(3) The 1981 Act applies as if this Order were a compulsory purchase order.

(4) In section 6 (notices after execution of general vesting declaration) of the 1981 Act as applied by paragraph (3), for the reference to the invitation under section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981, there shall be substituted a reference to the invitation under section 14A(3) of the Transport and Works Act 1992(b).

(5) Schedule 1 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act and the 1981 Act in their application in relation to the compulsory purchase under this article of a right over land by the creation of a new right.

*Temporary possession or use of land*

**Temporary use of land for construction of works**

9.—(1) Network Rail may in connection with the carrying out of the authorised works enter upon and take temporary possession of the land within the Order limits for the purposes of provision of a worksite and access and construction of the authorised works on that land.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article Network Rail must serve notice of the intended entry on the owners and occupiers of the land.

(3) Network Rail may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the authorised works for the purposes of which temporary possession of that land was taken.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but Network Rail is not required to replace a building removed in connection with the carrying out of the authorised works or restore the land on which any permanent works have been constructed under paragraph (1).

(5) Network Rail must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

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(a) 1981 c. 67.

(b) Section 14A of the Transport and Works Act 1992 was inserted by article 5 of the Housing and Planning (Compulsory Purchase)(Corresponding Amendments) Regulations 2017 (S.I. 2017/16).

(7) Without affecting article 14 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(a) (further provision as to compensation for injurious affection) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where Network Rail takes possession of land under this article, it is not required to acquire the land or any interest in it.

(9) Section 13(b) (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article.

#### *Supplementary*

#### **Time limit for exercise of powers of acquisition**

10. The powers conferred by article 9 (temporary use of land for construction of works) cease at the end of the period of 5 years beginning with the day on which this Order comes into force, except that nothing in this paragraph prevents Network Rail from remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

## **PART 4**

### **MISCELLANEOUS AND GENERAL**

#### **Power to lop trees overhanging the authorised works**

11.—(1) Network Rail may fell or lop any tree or shrub near any part of the authorised works, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised works or any apparatus used on the authorised works; or
- (b) from constituting a danger to persons using the authorised works.

(2) In exercising the powers of paragraph (1), Network Rail must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

#### **For protection of lead local flood authority**

12. The provisions of Schedule 2 (protection for lead local flood authority) have effect.

#### **Certification of plans, etc.**

13. Network Rail must, as soon as practicable after the making of this Order, submit copies of the book of reference and the deposited plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference and deposited plans referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

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- (a) Section 10 was amended by section 4 of and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11) and SI 2009/1307.
  - (b) 1965 c.56 Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

## Service of notices

14.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient, and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner” or, as the case may be, “occupier” of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission, the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document, the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

## No double recovery

15. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

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(a) 1978 c. 30.

### **Arbitration**

16. Any difference under any provision of this Order, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by the authority of the Secretary of State

17th November 2017

*Natasha Kopala*  
Head of the Transport and Works Act Orders Unit  
Department for Transport

## SCHEDULE 1

Article 8

### MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

#### *Compensation enactments*

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interests in land.

#### *Application of the 1965 Act*

2. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act and the enactments relating to compensation for the compulsory purchase of land apply to a compulsory acquisition of new rights under article 8(1)—

- (a) with the modifications specified in paragraph 3, and
- (b) with such other modifications as may be necessary.

3.—(1) The modifications referred to in paragraph 2(a) are as follows.

(2) References in the 1965 Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is, or is to be exercisable.

(3) For section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

#### **“7. Measure of compensation in case of purchase of new right**

In assessing the compensation to be paid by the acquiring authority under this Act regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

(4) The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

(5) Section 11 (powers of entry)(a) of the 1965 Act is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, as well as the notice of entry required by subsection (1) of that section, it has power, exercisable in the same circumstances and subject to the same conditions, to enter for the purpose of exercising that right;

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(a) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

and sections 11A(a) (powers of entry: further notices of entry), 11B(b) (counter-notice requiring possession to be taken on specified date), 12 (penalty for unauthorised entry)(c) and 13(d) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(e) (protection of interests of tenants at will etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

(8) For Schedule 2A to the 1965 Act substitute—

## “SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND

### *Introduction*

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over the whole or part of a house, building or factory.

2. In this Schedule, “house” includes any park or garden belonging to a house.

### *Counter-notice requiring purchase of land*

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

### *Response to counter-notice*

5. On receiving a counter-notice, the acquiring authority must decide whether to —

- (a) withdraw the notice to treat,
- (b) accept the notice to treat, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The acquiring authority must serve notice of its decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

- 
- (a) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).
  - (b) Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016 (c. 22).
  - (c) Section 12 was amended by section 56(2) of, and part 1 of Schedule 9 to, the Courts Act 1971 (c. 23).
  - (d) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
  - (e) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 and S.I. 2009/1307.

8. If the authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the acquiring authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the house, building or factory.

#### ***Determination by Upper Tribunal***

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right,
- (b) the use to be made of the right proposed to be acquired, and
- (c) if the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph, it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal."

(9) For section 5A(5A) (relevant valuation date) of the 1961 Act, after "If" substitute—

- "(a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 3(5) of Schedule 1 to the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017),
- (b) the acquiring authority is subsequently required by a determination under paragraph 13 of Schedule 2A to the 1965 Act (as substituted by paragraph 8 of Schedule 1 to the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017) to acquire an interest in the land, and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection 3(a) to have entered on that land when it entered on that land for the purpose of exercising that right."

(10) In section 5A(5B) (relevant valuation date) of the 1961 Act, for paragraphs (a) and (b) substitute—

- "(a) a right over land is the subject of a general vesting declaration,

- (b) by virtue of paragraph 11(2) or 16(2) of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, the declaration has effect as if it included an interest in the land, and
- (c) the vesting date for the right is different from the vesting date for the interest in the land.”.

(11) In the Land Compensation Act 1973, for section 44 (compensation for injurious affection) substitute—

**“44. Compensation for injurious affection**

(1) Where a right over land is acquired from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable.

(2) In this section, “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the Compulsory Purchase Act 1965 as applied by paragraph 2 of Schedule 1 to the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017.”.

*Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments*

**4.—**(1) The 1981 Act applies to a compulsory acquisition of a new right under article 8(1)—

- (a) with the modifications specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

(2) The enactments relating to compensation for the compulsory purchase of land also apply to a compulsory acquisition of a right under article 8(1).

**5.—**(1) The modifications referred to in paragraph 4(1)(a) are as follows.

(2) References in the 1981 Act to the 1965 Act are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired; or
- (b) the land over which the right is, or is to be, exercisable.

(3) References in the 1981 Act to the 1965 Act are to be read as references to that Act as it applies to the compulsory acquisition of a right under article 8.

(4) Section 8(1) (vesting, and right to enter and take possession) of the 1981 Act is modified so as to secure—

- (a) that a general vesting declaration in respect of any right vests the right in the acquiring authority on the vesting date; and
- (b) that, as from the vesting date, the acquiring authority has power, exercisable in the same circumstances and subject to the same conditions, to enter land for the purpose of exercising that right as if the circumstances mentioned in section 8(1)(a) and (b) of the 1981 Act had arisen.

(5) Section 9(2) (right of entry under section 8(1) not exercisable in respect of land subject to certain tenancies unless notice has been served on occupiers of the land) of the 1981 Act is modified so as to require a notice served by the appropriate authority under that provision to refer to the authority’s intention to enter land specified in the notice in order to exercise the right.

(6) In section 10(1) (acquiring authority’s liability on vesting of the land) of the 1981 Act, the reference to the acquiring authority’s taking possession of the land under section 11(1) of the 1965 Act is to be read instead as a reference to the authority’s exercising the power to enter the land under that provision as modified by paragraph 3(5) of this Schedule.

(7) Schedule A1 to the 1981 Act (counter-notice requiring purchase of land not in general vesting declaration) has effect as if—



- (a) in paragraph 1(1), for “part only of” there were substituted “only the acquisition of a right over”;
- (b) paragraph 1(2) were omitted;
- (c) references to the land proposed to be acquired were (subject to paragraph (e) below) to the right proposed to be acquired;
- (d) references to the additional land were to the house, building or factory over which the right is proposed to be exercisable;
- (e) in paragraphs 14 and 15, references to the severance of land proposed to be acquired were to the acquisition of the right; and
- (f) in paragraph 15, after “in addition to” there were inserted “or in substitution for”.

## SCHEDULE 2

Article 12

### FOR PROTECTION OF LEAD LOCAL FLOOD AUTHORITY

1. For the protection of the lead local flood authority ("the authority") the following provisions will have effect, unless otherwise agreed in writing between Network Rail and the authority.

2. Before carrying out any works under the powers conferred by this Order involving the construction, alteration or replacement of any culvert in land within the Order limits, Network Rail must provide to the authority proper and sufficient plans of such culvert for the approval of the authority and must not carry out the said works until the said plans have been approved in writing by the authority.

3. The approval of plans provided under paragraph 2 must not be unreasonably withheld and if, within 56 days of such plans being supplied to the authority, the authority does not indicate in writing its disapproval and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order confers powers on Network Rail to stop up the Abbots Ripton level crossing and to construct works in connection with the closure of the level crossing, the extinguishment of the existing right of way and the creation of alternative public rights of way. The Order further confers powers on Network Rail for the temporary use of land in connection with the construction of the public rights of way provided to replace the crossing.

A copy of the deposited plans and the book of reference referred to in the Order may be inspected at the offices of the Company Secretary and Solicitor to Network Rail Infrastructure Limited at 1 Eversholt Street, London, NW1 2DN.

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STATUTORY INSTRUMENTS

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2017 No. 257

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Network Rail (Northumberland Park Level Crossing and  
Coppermill Lane Level Crossing Closure) Order 2017

*Made* - - - - 23rd February 2017

*Coming into force* - - 16th March 2017

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An application has been made to the Secretary of State, in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 16th February 2017.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 2, 4, 7, 8, 11 and 16 of Schedule 1 to the 1992 Act makes the following Order:—

## PART 1

### PRELIMINARY

#### **Citation and commencement**

1. This Order may be cited as the Network Rail (Northumberland Park Level Crossing and Coppermill Lane Level Crossing Closure) Order 2017 and comes into force on 16th March 2017.

#### **Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(c);

“the 1980 Act” means the Highways Act 1980(d);

“the 1990 Act” means the Town and Country Planning Act 1990(e);

“the 2003 Act” means the Electronic Communications Act 2003(f);

“address” includes any number or address used for the purposes of electronic transmission;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“Coppermill Lane level crossing” means so much of Coppermill Lane in the London Borough of Waltham Forest as is shown between points A and B on sheet 2 of the deposited plans and described in the book of reference;

“the deposited plans” means the work and land plans certified by the Secretary of State as the deposited plans for the purpose of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

- 
- (a) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755.
- (b) 1992 c. 42. Section 1 was amended by the Planning Act 2008 (c. 29), Schedule 2, paragraphs 51 and 52; section 5 was amended by S.I. 2012/1659.
- (c) 1961 c. 33.
- (d) 1980 c. 66.
- (e) 1990 c. 8.
- (f) 2003 c. 21.

“the existing footpath” means the public right of way over the existing stepped footbridge adjacent to the Northumberland Park level crossing between points C and D on sheet 1 of the deposited plans;

“footpath” has the same meaning as in the 1980 Act;

“highway authority” has the same meaning as in the 1980 Act;

“limits of deviation” means the limits of deviation for the work shown on sheet 1 of the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and maintenance is to be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited (company registration number 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN;

“the new public right of way” means the new footpath (as referred to in article 7 (creation and maintenance of new public right of way) to be provided between points E and F on sheet 1 of the deposited plans;

“Northumberland Park level crossing” means so much of Marsh Lane in the London Borough of Haringey as is shown between points A and B on sheet 1 of the deposited plans and described in the book of reference;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(a);

“the section” means the section certified by the Secretary of State as the section for the purposes of this Order;

“statutory undertaker” means—

- (a) any person who is a statutory undertaker for any of the purposes of the 1990 Act; and
- (b) any public communications provider within the meaning of section 151(1) of the 2003 Act;

“street” includes part of a street;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“the undertaking” means the railway undertaking of Network Rail as existing from time to time;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the work” means the work specified in article 3 (power to construct and maintain works).

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace over its surface.

(3) All distances and directions referred to in this Order are approximate.

(4) References in this Order to points identified by letters are construed as references to points so lettered on the deposited plans.

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(a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 c. 34. There are other amendments to section 7 which are not relevant to this Order.

## PART 2

### WORKS PROVISIONS

#### *Principal powers*

#### **Power to construct and maintain works**

3.—(1) Network Rail may construct and maintain the work, comprising a footbridge over the West Anglia Main Line railway lines, commencing at a point 56 metres south-east of the junction of Marsh Lane with Park Avenue Road and terminating at a point 75 metres east of that junction.

(2) Subject to article 4 (power to deviate), the work may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the section.

(3) Network Rail may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the work, namely—

- (a) demolition of the existing footbridge over the West Anglia Main Line railway lines within Northumberland Park station;
- (b) electrical equipment and signalling works;
- (c) ramps, means of access and footpaths; and
- (d) works to install or alter the position of apparatus, including mains, sewers, drains and cables.

(4) Network Rail may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the work, other than works that would interfere with a navigable watercourse.

#### **Power to deviate**

4. In constructing or maintaining the work, Network Rail may—

- (a) deviate laterally from the lines or situations shown on sheet 1 of the deposited plans to the extent of the limits of deviation for the work; and
- (b) deviate vertically from the levels shown on the section—
  - (i) to any extent not exceeding 3 metres upwards; or
  - (ii) to any extent downwards as may be found to be necessary or convenient.

#### *Crossings*

#### **Closure of Northumberland Park level crossing**

5.—(1) Subject to paragraph (3) the Northumberland Park level crossing and the existing footpath are stopped up and discontinued.

(2) Subject to paragraph (3), upon the stopping up and discontinuance of the Northumberland Park level crossing and the existing footpath any right of way over the Northumberland Park level crossing is extinguished and any public right of way over the existing footpath is extinguished.

(3) Paragraphs (1) and (2) are not to have effect until the new public right of way has been constructed and completed to the reasonable satisfaction of the highway authority in accordance with article 7 (creation and maintenance of new public right of way) and is open for use.

(4) Any person who suffers loss by the extinguishment of any private right of way over the Northumberland Park level crossing under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply so as to extinguish the rights of statutory undertakers to maintain their apparatus.

### **Closure of Coppermill Lane level crossing**

6.—(1) The Coppermill Lane level crossing is stopped up and discontinued.

(2) Upon the stopping up and discontinuance of the Coppermill Lane level crossing any right of way over the crossing is extinguished.

(3) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) This article does not apply so as to extinguish the rights of statutory undertakers to maintain their apparatus.

(5) On the coming into force of this Order, section 74 of the Northern and Eastern Railway and Eastern Counties Railway Junction Act 1839(a) ( provision for maintaining communication where railway crosses the Walthamstow and Leyton Marshes) ceases to have effect insofar as it affects the Coppermill Lane level crossing.

### **Creation and maintenance of new public right of way**

7.—(1) The new public right of way is to be completed to the reasonable satisfaction of the highway authority and is to be maintained by and at the expense of Network Rail for a period of 12 months from its completion and after the expiry of that period by and at the expense of the highway authority.

(2) In any action against Network Rail in respect of loss or damage resulting from any failure by it to maintain the new public right of way, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that Network Rail had taken such care as in all the circumstances was reasonably required to secure that the part of the new public right of way to which the action relates was not dangerous to traffic.

(3) For the purposes of a defence under paragraph (3), the court must in particular have regard to the following matters—

- (a) the character of the new public right of way and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a public right of way of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the new public right of way;
- (d) whether Network Rail knew, or could reasonably have been expected to know, that the condition of the part of the new public right of way to which the action relates was likely to cause danger to users of the new public right of way;
- (e) where Network Rail could not reasonably have been expected to repair that part of the new public right of way before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that Network Rail had arranged for a competent person to carry out or supervise the maintenance of the part of the new public right of way to which the action relates unless it is also proved that Network Rail had given the competent person proper instructions with regard to the maintenance of the new public right of way and that the competent person had carried out those instructions.

(4) The new public right of way is to be treated as completed to the satisfaction of the highway authority if the highway authority fails to reply to a request for certification that it is satisfied with the work within 28 days of receiving the request.

(5) This article does not apply in relation to the structure of any bridge carrying the new public right of way over any railway of Network Rail.

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(a) 1839 c. lxxviii.

## PART 3

### MISCELLANEOUS AND GENERAL

#### **Certification of plans, etc.**

8. Network Rail must, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited plans and the section to the Secretary of State for certification that they are, respectively, true copies of, the book of reference, the deposited plans and the section referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

#### **Service of notices**

9.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient, and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978<sup>(a)</sup> as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner” or, as the case may be, “occupier” of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission, the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document, the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

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<sup>(a)</sup> 1978 c. 30.

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

#### **No double recovery**

10. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

#### **Arbitration**

11. Any difference under any provision of this Order, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State for Transport

Head of Motoring Agency Sponsorship and Transport and Works Act Orders Unit  
23rd February 2017

*Fiona Walshe*  
Department for Transport

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confers powers on Network Rail to construct a pedestrian footbridge over the West Anglia Main Line railway lines in the vicinity of Northumberland Park station in the London Borough of Haringey, to close the Northumberland Park level crossing and to stop up the public right of way over the existing stepped footbridge adjacent to that level crossing. The Order provides for the creation of a new public right of way for pedestrians over the new footbridge.

The Order further provides for the closure of the existing level crossing over the West Anglia Main Line at Coppermill Lane in the London Borough of Waltham Forest and the extinguishment of all rights over that crossing, including any public right of way.

A copy of the deposited plans, the book of reference and the section referred to in the Order may be inspected at the offices of the Company Secretary and Solicitor to Network Rail Infrastructure Limited at 1 Eversholt Street, London, NW1 2DN.

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STATUTORY INSTRUMENTS

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2012 No. 2679

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Chiltern Railways (Bicester  
to Oxford Improvements) Order  
2012

<i>Made</i>	- - - -	<i>23rd October 2012</i>
<i>Coming into force</i>	- -	<i>13th November 2012</i>



£13.75

2012 No. 2679

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Chiltern Railways (Bicester to Oxford Improvements)  
Order 2012

Made	- - - -	23rd October 2012
Coming into force	- -	13th November 2012

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*Supplementary*

- 34. Acquisition of part of certain properties
- 35. Extinction or suspension of private rights of way
- 36. Time limit for exercise of powers of acquisition

### PART 4

#### MISCELLANEOUS AND GENERAL

- 37. Traffic regulation
- 38. Defence to proceedings in respect of statutory nuisance
- 39. Planning permission
- 40. Power to lop trees overhanging the authorised works
- 41. Open Space at Tubbs Lane
- 42. Power to operate and use railway
- 43. Power to transfer undertaking
- 44. Agreements with Network Rail
- 45. Application of landlord and tenant law
- 46. Obstruction of construction of authorised works
- 47. Trespass
- 48. Disclosure of confidential information
- 49. Statutory undertakers etc.
- 50. For the protection of specified undertakers
- 51. For the protection of the Environment Agency
- 52. For the protection of Network Rail
- 53. For the protection of the Canal & River Trust
- 54. Certification of plans etc.
- 55. Service of notices
- 56. No double recovery

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## SCHEDULES

- SCHEDULE 1 — SCHEDULED WORKS
- SCHEDULE 2 — ACQUISITION OF CERTAIN LANDS FOR ANCILLARY WORKS
- SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS
- SCHEDULE 4 — STREETS TO BE STOPPED UP
  - PART 1 — STREET FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- SCHEDULE 5 — STREETS TO BE TEMPORARILY STOPPED UP
- SCHEDULE 6 — ACCESS TO WORKS
- SCHEDULE 7 — REPLACEMENT AND CLOSURE OF ROAD LEVEL CROSSINGS
- SCHEDULE 8 — REPLACEMENT AND CLOSURE OF FOOTPATH LEVEL CROSSINGS
- SCHEDULE 9 — ACCOMMODATION CROSSINGS
  - PART 1 — ACCOMMODATION CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — ACCOMMODATION CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- SCHEDULE 10 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS OR IMPOSITION OF RESTRICTIVE COVENANTS
- SCHEDULE 11 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN
- SCHEDULE 12 — TRAFFIC REGULATION
- SCHEDULE 13 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.
- SCHEDULE 14 — FOR THE PROTECTION OF SPECIFIED UNDERTAKERS
- SCHEDULE 15 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
- SCHEDULE 16 — FOR THE PROTECTION OF NETWORK RAIL
- SCHEDULE 17 — FOR THE PROTECTION OF THE CANAL & RIVER TRUST

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>(a)</sup> for an Order under sections 1 and 5 of the Transport and Works Act 1992<sup>(b)</sup> ("the 1992 Act").

The Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act.

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(a) S.I. 2006/1466.

(b) 1992 c. 42. Part 1 of this Act is amended by S.I. 1995/1541, 1998/2226, 2000/3199 and 2006/958.

The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which, in the opinion of the Secretary of State, do not make any substantial change in the proposals.

Notice of the Secretary of State's determination was published in the London Gazette on 22nd October 2012.

The Secretary of State in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 5, 7, 8, 10, 11 and 15 to 17 of Schedule 1 to, the 1992 Act, makes the following Order:—

## PART 1

### PRELIMINARY

#### **Citation and commencement**

1. This Order may be cited as the Chiltern Railways (Bicester to Oxford Improvements) Order 2012 and comes into force on 13th November 2012.

#### **Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(a);

“the 1965 Act” means the Compulsory Purchase Act 1965(b);

“the 1990 Act” means the Town and Country Planning Act 1990(c);

“the 1991 Act” means the New Roads and Street Works Act 1991(d);

“address” includes any number or address used for the purposes of electronic transmission;

“authorised works” means the scheduled works and any other works authorised by this Order;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the Highways Act 1980(e);

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the Highways Act 1980;

“the Company” means The Chiltern Railway Company Limited (Company No. 3007939) whose registered office is at Great Central House, Marylebone Station, Melcombe Place, London NW1 6JJ;

“the deposited plans” means the plans certified by the Secretary of State as the deposited plans for the purposes of this Order;

“the deposited sections” means the sections certified by the Secretary of State as the sections for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

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(a) 1961 c. 33.

(b) 1965 c. 56.

(c) 1990 c. 8.

(d) 1991 c. 22.

(e) 1980 c. 66.

“footpath” and “footway” have the same meaning as in the Highways Act 1980;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980;

“the limits of deviation” means the limits of deviation for the scheduled works shown on the deposited plans;

“the limits of land to be acquired or used” means the limits of land to be acquired or used shown on the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at Kings Place, 90 York Way, London N1 9AG and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006(a)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“the Order limits” means the limits of deviation and the limits of land to be acquired or used;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(b);

“the scheduled works” means the works specified in Schedule 1 (scheduled works) or any part of them;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the tribunal” means the Upper Tribunal; and

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths stated in the description of the scheduled works or in any description of powers or lands are approximate, and distances between points on a scheduled work are taken to be measured along the scheduled work.

### **Incorporation of Railways Clauses Acts**

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(c) are incorporated in this Order—

section 46 (crossing of roads—level crossings), subject to paragraph (4);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level);

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 75 (omission to fasten gates);

section 77 (presumption that minerals excepted from acquisition of land);

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(a) 2006 c. 46.

(b) 1981 c. 67.

(c) 1845 c. 20.



sections 78 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923(a);

section 103 (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway); and

section 145 (recovery of penalties).

(2) Section 12 (signals, watchmen etc.) of the Railways Clauses Act 1863(b) is incorporated in this Order.

(3) In those provisions, as incorporated in this Order—

“the company” means the Company;

“goods” includes any thing conveyed on the railway authorised to be constructed by this Order;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means any railway authorised to be constructed by this Order and any other authorised works;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be constructed by this Order.

(4) In section 46 of the Act of 1845, as incorporated in this Order, for the proviso there are substituted the words “Provided always that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level”.

### **Application of the 1991 Act**

4.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts).

(2) The provisions of the 1991 Act mentioned in paragraph (3) which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the Company under the powers conferred by article 10 (temporary stopping up of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(3) The provisions of the 1991 Act referred to in paragraph (2) are—

section 54 (advance notice of certain works), subject to paragraph (4);

section 55 (notice of starting date of works), subject to paragraph (4);

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(a) 1923 c. 20.

(b) 1863 c. 92.

section 57 (notice of emergency works);  
section 59 (general duty of street authority to co-ordinate works);  
section 60 (general duty of undertakers to co-operate);  
section 68 (facilities to be afforded to street authority);  
section 69 (works likely to affect other apparatus in the street);  
section 76 (liability for cost of temporary traffic regulation);  
section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(5) Nothing in article 12 (construction and maintenance of new or altered streets)—

- (a) prejudices the operation of section 87 of the 1991 Act (prospectively maintainable highways); and the Company is not by reason of any duty under that article to maintain a street to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

## PART 2

### WORKS PROVISIONS

*Principal powers*

#### **Power to construct and maintain works**

5.—(1) The Company may construct and maintain the scheduled works.

(2) Subject to article 6 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) The Company may on the land specified in columns (1) and (2) of Schedule 2 (acquisition of certain lands for ancillary works) carry out and maintain any works specified in relation to that land in column (3) of that Schedule with all necessary works and conveniences in connection with those works.

(4) Subject to paragraph (6), the Company may do such of the following as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works—

- (a) construct and maintain such offices and other buildings, yards, machinery, plant, apparatus and other works and conveniences as the Company thinks fit;
- (b) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts and stagings as the Company thinks fit;
- (c) carry out and maintain railway, signalling and permanent way works;
- (d) make and maintain junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and widen or alter any highway or access way for the purpose of connecting it with any of those works or another highway, or of crossing under or over the highway or access way;