

Compulsory Purchase Act 1965

1965 CHAPTER 56

An Act to consolidate the Lands Clauses Acts as applied by Part I of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946, and by certain other enactments, and to repeal certain provisions in the Lands Clauses Acts and related enactments which have ceased to have any effect
[5th August 1965]

BE 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 Compulsory Purchase under Acquisition of Land Act of 1946

Preliminary

1 Application of Part I and interpretation

[(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.]

(2) In construing this Part of this Act the enactment under which the purchase is authorised and the compulsory purchase order . . . 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 < . . . > 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] 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].

(5) . . .

(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

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Sub-s (2): words omitted repealed by the Acquisition of Land Act 1981, s 34(3), Sch 6.

Sub-s (3): words omitted repealed by the Acquisition of Land Act 1981, s 34(3), Sch 6.

Sub-s (4): words from “Part IX of” to “Planning (Listed Buildings and Conservation Areas) Act 1990” in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 13(1).

Sub-s (4): words from “section 245(4) of” to “Planning (Listed Buildings and Conservation Areas) Act 1990” in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 13(1).

Sub-s (5): repealed by the Courts Act 2003, s 109(1), (3), Sch 8, para 124, Sch 10.

Date in force: 1 April 2005: see SI 2005/910, art 3(y), (aa); for transitional provisions see SI 2005/911, arts 2–5.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

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See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation)

Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

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See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

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See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

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2016/853, art 22(3), Sch 11, paras 1, 3.
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 See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).
 See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.
 See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.
 See further, with modifications, the Network Rail (Summerway Overbridge) Order 2017, SI 2017/1027, art 5.
 See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.
 See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.
 See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).
 See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.
 See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.
 See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.
 See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.
 See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), (2), 21(5), 28(1)(a), Sch 9, paras 4, 5.
 See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.
 See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.
 See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.
 See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.
 See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.
 See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.
 See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.
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 See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

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Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

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See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

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 See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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], of any of that land, and of all estates and interests in the land.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Words in square brackets inserted by the Planning and Compensation Act 1991, s 70, Sch 15, para 3.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

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See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition)

Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Summerway Overbridge) Order 2017, SI 2017/1027, art 5.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

Compulsory purchase

[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.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Substituted by the Housing and Planning Act 2016, s 182(1).

Date in force: 13 July 2016: see SI 2016/733, reg 3(i); for transitional provisions and savings see reg 7.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of Part of this Act, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 4(2).

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the disapplication of this section for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 4.

See further, in relation to the disapplication of this section for the purposes of an order granting development consent that includes provision authorising the compulsory acquisition of land: the Planning Act 2008, s 125(1)–(3)(a), (6).

See further, in relation to the disapplication of this section for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(2).

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the disapplication of this section for the purposes of the Network Rail (Seaham Level Crossing) Order 2013: the Network Rail (Seaham Level Crossing) Order 2013, SI 2013/533, art 6.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI

2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1)–(3), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), (3), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1)–(3), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1)–(3), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1)–(3), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1)–(3), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

[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.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Inserted by the Housing and Planning Act 2016, s 202(1).

Date in force: 13 July 2016: see SI 2016/733, reg 3(l); for transitional provisions and savings see reg 9.

See Further

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 23(1), (2).

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), (4), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), (4), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), (2), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), (2), (4), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), (2), (4), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), (2), (4), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (4), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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.

[(2ZA) For provision about notice of claims for compensation, see sections 4 and 4A of the Land Compensation Act 1961.]

[(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].

(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].

(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.]

(3) Schedule 2 to this Act (which relates to absent or untraced owners) shall have effect for the purposes of this Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-ss (2A)–(2E): inserted by the Planning and Compensation Act 1991, s 67.

Sub-s (2ZA): inserted by the Housing and Planning Act 2016, s 192(2).

Date in force: 6 April 2018: see SI 2018/251, reg 4(c).

Sub-s (2A): in para (d) words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 60.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Sub-s (2D): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 60.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to interest payable on any award of compensation: the Planning and Compensation Act 1991, s 80, Sch 18, Part II.

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014,

SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI

2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

6 Reference to [Upper Tribunal]

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].

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Section heading: words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 61.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 61.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI

2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order

2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.
 See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.
 See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.
 See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.
 See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).
 See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.
 See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.
 See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.
 See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.
 See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).
 See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.
 See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.
 See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.
 See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.
 See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.
 See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.
 See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.
 See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.
 See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.
 See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.
 See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.
 See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.
 See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.
 See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.
 See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Pt II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6 and the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 3, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 8.

Modified, in respect of the creation of a new right in relation to a gas transporter's compulsory acquisition of land in England and Wales, by the Gas Act 1986, s 9(3), Sch 3, Pt II, paras 5–7 (as amended by the Utilities Act 2000, s 108, Sch 6, Pt I, paras 1, 2(2)).

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, art 26(3), Sch 7, paras 3, 4.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 4.

See further, in relation to the application of this section, with modifications, to the compulsory acquisition of new rights under the Housing and Regeneration Act 2008, s 9: the Housing and

Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8–10, 16.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 4.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, arts 17(1), 19(4), Sch 6, paras 3, 4.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, paras 3, 4.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 4.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 4.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further, with modifications, the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 1, 3–9.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 4.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 4.

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 4.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 4.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 4.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 4.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 4.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 4.

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 4.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4, 5.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1)–(3).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4, 5(1)–(3).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1), 5.

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 24(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5(1), (3).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1)–(3).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1)–(3).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5(1), (3).

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 27(4), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further: the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 27(5).

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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.]

(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], and either party to proceedings for determining the compensation to be paid for the land acquired may require the [Upper Tribunal] to make [its determination] under this subsection in those proceedings.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): substituted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 2.
Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

Sub-s (3): words “Upper Tribunal” in square brackets in both places they occur substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 62(b).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Sub-s (3): words “its determination” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 62(c).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Pt II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 4, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 9.

Modified, in respect of the creation of a new right in relation to a gas transporter's compulsory acquisition of land in England and Wales, by the Gas Act 1986, s 9(3), Sch 3, Pt II, paras 5, 6, 8 (as amended by the Utilities Act 2000, s 108, Sch 6, Pt I, paras 1, 2(2)).

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12 (as amended by SI 2009/1307, art 5(1), (2), Sch 1, paras 256, 266), in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6 and amended by SI 2009/1307, art 5(1), (2), Sch 1, paras 255, 258).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), 31, Sch 7, paras 3, 5.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3 (as amended by SI 2009/1307, art 5(1), (2), Sch 1, para 290(1), (2)).

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 5.

See further, in relation to the application of this section, with modifications, to the compulsory acquisition of new rights under the Housing and Regeneration Act 2008, s 9: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 11, 16 (as amended by SI 2009/1307, art 5(1), (2), Sch 1, para 289).

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 15.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 5.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, arts 17(1), 19(4), Sch 6, paras 3, 5.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, paras 3, 5.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 5.

See further, in relation to the application of this section, for the purposes of the Network Rail (Seaham Level Crossing) Order 2013: the Network Rail (Seaham Level Crossing) Order 2013, SI 2013/533, art 11.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, arts 22(5), 26(1), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 5.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further, with modifications, the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, arts 22, 27, Sch 10, paras 1, 3–9.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 5.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, 37, Sch 5, paras 1, 3, 5.

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 5.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818,

arts 18, 37, Sch 7, paras 1, 3, 5.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, arts 22(3), 37, Sch 11, paras 1, 3.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 5.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), 6(1), 7(2), 8(2)(a), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 5.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

Deposit of compensation and execution of deed poll

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.

(6) . . .

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (6): repealed by the Statute Law (Repeals) Act 1973.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 5, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 10, the Town and Country Planning Act 1990, s 146.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light

Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 6(a).

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 6(a).

See further, in relation to the application of sub-s (4) above, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 6(a).

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, arts 17(1), 19(4), Sch 6, paras 3, 6(a).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, paras 3, 6(a).

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22,

24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 6(a).

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 3, 6(a).

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 3, 6(a).

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 6(a).

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 6(a).

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 6(a).

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 6(a).

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 5(a).

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 6(a).

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 6(a).

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 5(a).

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 6(a).

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4, 6(a).

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (4)(a).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1), 6(a).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (4)(a).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (4)(a).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

See further, in relation to the application of sub-s (4) above, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 6(a).

See further, in relation to the application of sub-s (4) above, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 12(1), (2)(a), (3), 16.

See further, in relation to the application of sub-s (4) above, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 6(a).

Further provision as to compensation for injurious affection

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].

(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] references in this section to the acquiring authority shall be construed in accordance with [section 245(4)(b) of that Act].

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words "Upper Tribunal" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 63.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions

see art 5(6), Sch 5 thereto.

Sub-s (3): words in square brackets substituted by the Planning (Consequential Provisions) Act 1990, s 4, Sch 2, para 13(2).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of sub-s (1) above, with modifications, in relation to land injuriously affected by the execution of works under the Crossrail Act 2008: the Crossrail Act 2008, s 45.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the disapplication of this section for the purposes of an order granting development consent that includes provision authorising the compulsory acquisition of land: the Planning Act 2008, s 125(1)–(3)(b), (6).

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the

Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), 19, 22(10)(a), 50(14)(a), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), 19, 22(10)(a), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 24(4),

25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 20(4), (5), 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 19(4), (5), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further: the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 27(5).

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

Entry on the land

11 Powers of entry

(1) If the acquiring authority have served notice to treat in respect of any of the land and have served on the owner, lessee and occupier of that land [a notice of entry], 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]; 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], a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated].

In this subsection “owner” has the meaning given by [section 7(1) of the Acquisition of Land Act].

[(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.]

[(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.]

[(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).]

(2) . . .

(3) For the purpose of [surveying, valuing or taking levels] of any of the land subject to compulsory purchase, of probing or boring to ascertain the nature of the soil and of setting out the line of the works, the acquiring authority, after giving not less than three nor more than fourteen days' notice to the owners or occupiers of that land, may enter on that land, but the acquiring authority shall make compensation for any damage thereby occasioned to the owners or occupiers of the land, and any question of disputed compensation under this subsection shall be referred to the [Upper Tribunal].

(4) Except as provided by the foregoing provisions of this section, the acquiring authority shall not, except with the consent of the owners and occupiers, enter on any of the land subject to compulsory purchase until the compensation payable for the respective interests in that land has been agreed or awarded, and has been paid to the persons having those interests or has been paid into court in accordance with this Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words “a notice of entry” in square brackets substituted by the Housing and Planning Act 2016, s 186(1), (2)(a)(i).

Date in force: 3 February 2017: see SI 2017/75, reg 3(e); for transitional provisions see reg 5(1), (2)(a), (3).

Sub-s (1): words “, after the end of a period specified in the notice” in square brackets inserted by the Housing and Planning Act 2016, s 186(1), (2)(a)(ii).

Date in force: 3 February 2017: see SI 2017/75, reg 3(d); for transitional provisions see reg 5(1), (2)(a), (3).

Sub-s (1): words “section 12(3) of the Acquisition of Land Act” in square brackets substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Sub-s (1): words “Diocesan Board of Finance for the diocese in which the land is situated” in square brackets substituted by the Church of England (Miscellaneous Provisions) Measure 2006, s 14, Sch 5, para 12(1).

Date in force: 1 October 2006: see s 16(2) thereof and the Instrument made by the Archbishops of Canterbury and York dated 11 September 2006.

Sub-ss (1A), (1B): inserted by the Housing and Planning Act 2016, s 186(1), (2)(b).

Date in force: 3 February 2017: see SI 2017/75, reg 3(e); for transitional provisions see reg 5(1), (2)(a), (3).

Sub-s (1C): inserted by the Housing and Planning Act 2016, s 187(1), (2).

Date in force: 3 February 2017: see SI 2017/75, reg 3(e); for transitional provisions see reg 5(1), (2)(a), (3).

Sub-ss (1D), (1E): inserted by the Housing and Planning Act 2016, s 188.

Date in force: 3 February 2017: see SI 2017/75, reg 3(e); for transitional provisions see reg 5(1), (2)(a), (3).

Sub-s (2): repealed by the Housing and Planning Act 2016, s 190, Sch 16, paras 2, 3.

Date in force: 13 July 2016: see SI 2016/733, reg 3(j).

Sub-s (3): words “surveying, valuing or taking levels” in square brackets substituted by the Housing and Planning Act 2016, s 179, Sch 14, para 6.

Date in force: 13 July 2016: see SI 2016/733, reg 3(h).

Sub-s (3): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 64.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 11.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to interest payable on any award of compensation: the Planning and Compensation Act 1991, s 80, Sch 18, Parts I, II.

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 7.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 7.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 13(1), (2), 16.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, arts 17(1), 19(4), Sch 6, paras 3, 7.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 7.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 1, 3–9.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 7.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 7.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 6.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art

18(4), Sch 6, paras 1, 3, 7.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 7.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3, 4.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 6.

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 7.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4, 7.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (5).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1), 7.

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), (5), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), (2), (5), 8(3), 14(1)(a), Sch 2, paras 4, 5(1), (5).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), (2), (5), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), (2), (5), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5(1), (5).

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (5), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

[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.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Inserted by the Housing and Planning Act 2016, s 186(1), (3).

Date in force: 3 February 2017: see SI 2017/75, reg 3(e); for transitional provisions see reg 5(1), (2)(a), (3).

See Further

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (5).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), (6), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), (3), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), (2), (6), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), (2), (6), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), (2), (6), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (6), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

[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.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Inserted by the Housing and Planning Act 2016, s 187(1), (3).

Date in force: 3 February 2017: see SI 2017/75, reg 3(e); for transitional provisions see reg 5(1), (2)(a), (3).

See Further

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (5).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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 [Crown Court] against an order of a magistrates' court adjudging a sum to be forfeited under the foregoing provisions of this section.
- (4) If, after a sum has been adjudged to be forfeited under this section, the acquiring authority, or their contractors, remain in unlawful possession of any of the land the acquiring authority shall be liable to forfeit the sum of twenty-five pounds for every day on which they so remain in possession.
- (5) A sum forfeited under the last foregoing subsection shall be recoverable by the person in

possession of that land in the High Court, and in any such proceedings the decision of the magistrates' court shall not be conclusive as to the acquiring authority's right of entry.

(6) This section shall not subject the acquiring authority to the payment of a penalty if they have in good faith and without collusion paid the compensation agreed or awarded in respect of the land to a person whom they reasonably believed to be entitled to the compensation, or have paid it into court for the benefit of the person entitled to the land. . . although such person may not have been legally entitled thereto.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (3): amended by the Courts Act 1971, s 56(2), Sch 9, Part I.

Sub-s (6): words omitted repealed by the Housing and Planning Act 2016, s 190, Sch 16, paras 2, 4.

Date in force: 13 July 2016: see SI 2016/733, reg 3(j).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 6, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 11.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 7.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 7.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 13, 16.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 7.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 7.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 4.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 7.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 7.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 7.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3, 5.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 6.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (5).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1), 7.

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI

2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

13 Refusal to give possession to acquiring authority

(1) If the acquiring authority are under this Act authorised to enter on and take possession of any land, and the owner or occupier of any of that land, or any other person, refuses to give up possession of it, or hinders the acquiring authority from entering on or taking possession of it, the acquiring authority may issue their warrant to[—

(a) the sheriff, or

(b) the enforcement officer,

to deliver possession of it to the person appointed in the warrant to receive it].

(2) On receipt of the warrant [the person to whom it is issued] 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.]

(3) The costs accruing by reason of the issue and execution of the warrant, to be settled by [the person executing the warrant] shall be paid by the person refusing to give possession, and the amount of those costs shall be deducted and retained by the acquiring authority from the compensation, if any, payable by them to that person.

(4) If no compensation is payable to the person refusing to give possession, or if it is less than the amount of the costs, that amount or the amount by which the costs exceed the compensation, if not paid on demand, shall be [recovered by using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)], and on application to any justice of the peace for that purpose he shall issue his warrant accordingly.

(5) . . .

(6) In this section[—

“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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words from “— (a) the sheriff” to “to receive it” in square brackets substituted by the Tribunals, Courts and Enforcement Act 2007, s 139(4), (5).

Date in force: 1 April 2008: see SI 2007/2709, art 5(a).

Sub-s (2): words “the person to whom it is issued” in square brackets substituted by the Tribunals, Courts and Enforcement Act 2007, s 139(4), (6).

Date in force: 1 April 2008: see SI 2007/2709, art 5(a).

Sub-s (2A): inserted by the Tribunals, Courts and Enforcement Act 2007, s 139(4), (7).

Date in force: 1 April 2008: see SI 2007/2709, art 5(a).

Sub-s (3): words “the person executing the warrant” in square brackets substituted by the Tribunals, Courts and Enforcement Act 2007, s 139(4), (8).

Date in force: 1 April 2008: see SI 2007/2709, art 5(a).

Sub-s (4): words from “recovered by using” to “control of goods”) in square brackets substituted by the Tribunals, Courts and Enforcement Act 2007, s 62(3), Sch 13, paras 27, 28(1), (2).

Date in force: 6 April 2014: see SI 2014/768, art 2(1).

Sub-s (5): repealed by the Tribunals, Courts and Enforcement Act 2007, ss 62(3), 146, Sch 13, paras 27, 28(1), (3), Sch 23, Pt 3.

Date in force: 6 April 2014: see SI 2014/768, art 2(1).

Sub-s (6): definition “the enforcement officer” inserted by the Tribunals, Courts and Enforcement Act 2007, s 139(4), (9).

Date in force: 1 April 2008: see SI 2007/2709, art 5(a).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Electricity Act 1989, s 10(1), Sch 3, para 11.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 7.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, arts 5(3), 6(10), Sch 1, paras 1, 3, 7.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 13, 16.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 7.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 24(11), 25(10), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, arts 24(3), 30(10), 31(10), Sch 9, paras 3, 7.

See further, in relation to the application of this section, for the purposes of the Crossrail (Kensal Green) Order 2013: the Crossrail (Kensal Green) Order 2013, SI 2013/198, art 11.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, arts 22(5), 28(10), 29(10), 30(10), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 24(5), 27(10), 28(10), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 7.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 7, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 7.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, 33(9), 34(11), Sch 5, paras 1, 3.

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 4.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 7.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, arts 22(3), 27(13), 28(10), Sch 11, paras 1, 3.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 7.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, 27(10), 28(9), Sch 4, paras 1, 3, 7.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), 15, Sch 6, para 2, Sch 9, paras 1, 2(1)–(8), Sch 16, para 11(1).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, arts 22, 26(12), 27(9), Sch 11, paras 1, 3, 5.

See further: the Neighbourhood Planning Act 2017, s 22.

See further: the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 26(11).

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 6.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4) 28(9), 29(10), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Summerway Overbridge) Order 2017, SI 2017/1027, art 5.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (5).

See further: the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 9(9).

See further: the Network Rail (Buxton Sidings Extension) Order 2017, SI 2017/1150, arts 21(4), 23(10), 24(10) Sch 7, paras 1, 2.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), 38(10), 39(10), Sch 3, paras 1, 4(1), 7.

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 24(10), 25(10), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 15(11), 16(6), 22(4), 25(1), 30(13), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 9(10), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 24(10), 25(10), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (5).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 17(6), 22, 26, 28(11), 29(10), Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020,

SI 2020/141, arts 29(1), 31(4), 34(9), 35(11), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, 26(10), 27(10), Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, 31(11), 32(10), Sch 8, paras 4, 5.

See further: the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 16(10), 17(6), 25(1)(a), 26(5), 32, 33(10), 34(11), Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further: the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, arts 34(10), 35(10).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 16(8), 20(4), 23, 26(10), 27(11), Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

Acquisition of special interests

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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446,

arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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].

(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

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 65.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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].

- (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

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words "Upper Tribunal" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 66.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006,

SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818,

arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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 re-investment 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 re-investment 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].

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (2): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 67.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017,

SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.
 See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.
 See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.
 See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).
 See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18, 20(5), 29(1)(a), Sch 6, paras 4, 5.
 See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.
 See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.
 See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.
 See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.
 See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.
 See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.
 See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.
 See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.
 See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.
 See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.
 See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.
 See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.
 See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.
 See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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].

(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],

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

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 68.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Sub-s (2): in para (b) words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, para 59, 68.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions

see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing)

Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI

2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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].

(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

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (2): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 69.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch

Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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] 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].
- (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

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (2): words in square brackets substituted by the Planning and Compensation Act 1991, s 70, Sch 15, para 4.

Sub-s (3): words “Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 70.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions

see art 5(6), Sch 5 thereto.

Modification

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 7, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 12.

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 8.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 8.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 8.

See further, in relation to the application of this section, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 14, 16.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 8.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, arts 17(1), 19(4), Sch 6, paras 3, 8.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the

Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 8.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 8.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 1, 3–9.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 8.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 8.

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 8.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 8.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 7.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 8.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 8.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 7.

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 8.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4, 8.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (6).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4, 5(1), (2), (6).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1), 8.

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5(1), (6).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (6).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (6).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5(1), (6).

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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).

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the

Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further: the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, para 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition

and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.
 See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.
 See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.
 See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.
 See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.
 See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.
 See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.
 See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.
 See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.
 See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.
 See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.
 See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.
 See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

Supplemental

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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

This section modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 8, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 13.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 22.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this section, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line

and Ipswich Yard Improvement Order 2008, SI 2008/2512, arts 23, 25, Sch 6, paras 1, 3, 9.
 See further, in relation to the application of this section, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 15, 16.
 See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 9.
 See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, arts 17(1), 19(4), Sch 6, paras 3, 9.
 See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.
 See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.
 See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 9.
 See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.
 See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.
 See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.
 See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.
 See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, arts 9, 11, Sch 3, paras 3–9.
 See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.
 See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.
 See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.
 See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.
 See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 9.
 See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.
 See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, arts 14, 16, Sch 4, paras 1, 3–9.
 See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, arts 21, 24, Sch 6, paras 1, 3–9.
 See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 1, 3–9.
 See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 1, 3–9.
 See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 9.
 See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order

2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 9.

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 9.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 9.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 8.

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 9.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3, 9.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, arts 18(3), 23(1), (3), Sch 7, para 8.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 8.

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 9.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), (5), 24(4), Sch 3, paras 1, 4, 9.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2, 3(1), (2), (7).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4, 5(1), (2), (7).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), (7), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), (4), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), (2), (7), 8(3), 14(1)(a), Sch 2, paras 4, 5(1), (7).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), (2), (7), 10(5), 13, 15(a), Sch 6, paras 1, 4, 5(1), (2), (7).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), (2), (7), 21(5), 28(1)(a), Sch 9, paras 1, 4, 5(1), (2), (7).

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5(1), (7).

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (7), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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] 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].

(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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (3): words “Senior Courts” in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 2, para 4(1), (3).

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Sub-s (4): words “Senior Courts” in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 2, para 4(1), (3).

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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NOTES

Amendment

Repealed with savings by the Rentcharges Act 1977, s 17, Sch 2.

See Further

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

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] 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.

(4) . . .

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words “Senior Courts” in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 2, para 4(1), (3).

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Sub-s (4): repealed by the Statute Law (Repeals) Act 1973.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the

Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3-9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).]

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI

2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

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See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

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See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

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See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, para 4.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

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See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

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See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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Amendment

Repealed with savings by the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990, SI 1990/776, art 3, Sch 1.

See Further

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

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).

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

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See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

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See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

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See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

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See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor

Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.
See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.
See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.
See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.
See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.
See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.
See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.
See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.
See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.
See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.
See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.
See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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NOTES

Amendment

Repealed by the Tribunals, Courts and Enforcement Act 2007, ss 62(3), 146, Sch 13, paras 27, 29, Sch 23, Pt 3.

Date in force: 6 April 2014: see SI 2014/768, art 2(1).

See Further

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

[30 Service of notices]

[Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI

2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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], 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], shall be applied] 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.

...

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Words “section 12(3) of the Acquisition of Land Act” in square brackets substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Words in square brackets ending with the words “, shall be applied” substituted by the Planning and Compensation Act 1991, s 70, Sch 15, para 19.

Words from “shall be paid” to “is situated and” in square brackets substituted by the Church of England (Miscellaneous Provisions) Measure 2006, s 14, Sch 5, para 12(2).

Date in force: 1 October 2006: see s 16(2) thereof and the Instrument made by the Archbishops of Canterbury and York dated 11 September 2006.

Words omitted repealed by the Church of England (Miscellaneous Provisions) Measure 2006, s 14, Sch 5, para 12(2).

Date in force: 1 October 2006: see s 16(2) thereof and the Instrument made by the Archbishops of Canterbury and York dated 11 September 2006.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Resources Act 1991, Sch 18.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further: the Water Industry Act 1991, Sch 11, para 6, the Water Resources Act 1991, s 154, Sch 19, para 6.

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the

Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI

2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4–10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

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], or made under Part II of that Schedule, before the commencement of this Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Words in square brackets substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, s 155, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this section, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, arts 25, 27(2), 33(1), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, arts 21, 23(3), 30, 33(1)(a), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, with modifications, the Network Rail (West Coast Main Line) (Stowe Hill) Order 2006, SI 2006/3471, art 4.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261: the London Gateway Port Harbour Empowerment Order 2008, SI 2008/1261, art 29, 33(1)(a), (2)(a).

See further, in relation to the application of this Part, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of this Part, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 23.

See further, in relation to the application of this section, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 17(1).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, arts 18, 20(4), 28, 31(1)(a), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Part, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, para 3.

See further, in relation to the application of this section, with modifications, for the purposes of the Hinkley Point C (Nuclear Generating Station) Order 2013: the Hinkley Point C (Nuclear Generating Station) Order 2013, SI 2013/648, art 26.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Part, with modifications, to the acquisition of land under the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, SI 2014/310, Pt 3, art 9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further: the Network Rail (Huyton) Order 2014, SI 2014/2027, art 17.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 14.

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 21.

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3.

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3.

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3.

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, ss 4(3), (5), 5(7), Sch 6, para 2, Sch 9, paras 1, 2(1)–(8).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22(1), (2), 24(4), Sch 3, paras 1, 4.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(2), (5), Sch 1, paras 1, 2.

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, art 21(4), Sch 7, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, arts 32, 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (Hope Valley Capacity) Order 2018, SI 2018/446, arts 18(1), 20(5), 29(1)(a), Sch 6, paras 4, 5.

See further, with modifications, the Silvertown Tunnel Order 2018, SI 2018/574, arts 22(4), 25(1), Sch 5, paras 4, 5.

See further, with modifications, the Network Rail (Kings Mill No 1 Level Crossing) (Land Acquisition and Closure) Order 2018, SI 2018/571, arts 6(1), 8(3), 14(1)(a), Sch 2, paras 4, 5.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, arts 8(1), 10(5), 13, 15(a), Sch 6, paras 1, 4.

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, arts 19(1), 21(5), 28(1)(a), Sch 9, paras 4, 5.

See further, with modifications, the Network Rail (Felixstowe Branch Line Improvements—Level Crossings Closure) Order 2018, SI 2018/937, arts 11(1), 13(4), 18(1)(a), Sch 8, paras 4, 5.

See further, with modifications, the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, arts 22, 26, Sch 8, paras 4-10.

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), 31(4), Sch 5, paras 4, 5.

See further, with modifications, the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, arts 18(6), 20(1)(a), 24, Sch 4, paras 4, 5.

See further, with modifications, the Riverside Energy Park Order 2020, SI 2020/419, arts 24(7), 29, Sch 8, paras 4, 5.

See further, with modifications, the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, arts 25(1)(a), 26(5), 32, Sch 7, paras 4, 5.

See further, with modifications, the West Midlands Rail Freight Interchange Order 2020, SI 2020/511, art 30, Sch 12, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, arts 20(4), 23, Sch 7, paras 3–9.

See further, with modifications, the Manston Airport Development Consent Order 2020, SI 2020/716, arts 25(1), 29(11), 30(10), Sch 6, paras 4, 5.

Part II

Application of Part I to other cases and Supplemental Provisions

33 . . .

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NOTES

Amendment

Repealed, subject to transitional provisions and savings in relation to compulsory purchase orders in force immediately before 1 September 1989, by the Water Act 1989, s 190(2), (3), Sch 26, Pt VII, para 41, Sch 27, Pt I.

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NOTES

Amendment

Repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Pt I.

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Amendment

Repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Pt I.

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NOTES

Amendment

Repealed, subject to transitional provisions and savings in relation to compulsory purchase orders in force immediately before 1 September 1989, by the Water Act 1989, s 190(2), (3), Sch 26, Pt VII, para 41, Sch 27, Pt I.

37 Compulsory purchase orders under s 11 of the Pipe-lines Act 1962

(1) Subject to this section Part I of this Act shall apply in relation to a compulsory purchase order under section 11 of the Pipe-lines Act 1962 as it applies in relation to a compulsory purchase order under the [Acquisition of Land Act 1981], and in the said Part I as so applied the “special Act” means the Pipe-lines Act 1962, together with the order.

(2) [Subsection (1)] of section 11, section 30(3) and section 31 of this Act shall not apply, and section 27 shall apply as if subsection (1) of that section were omitted.

(3) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (sale of superfluous land) shall apply in relation to land acquired in pursuance of a compulsory purchase order under section 11 of the Pipe-lines Act 1962, and in construing those sections as so applied—

- (a) the said Act of 1962 and the compulsory purchase order shall be deemed to be the special Act,
- (b) references to the promoters of the undertaking shall be construed as references to the person authorised by the compulsory purchase order to purchase the land comprised therein.

(4) Part I of this Act as applied by this section shall not apply in relation to an order made before the commencement of this Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words in square brackets substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Sub-s (2): words “Subsection (1)” in square brackets substituted by the Housing and Planning Act 2016, s 190, Sch 16, paras 2, 5.

Date in force: 13 July 2016: see SI 2016/733, reg 3(j).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, the Water Resources Act 1991, Sch 18.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, art 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3–9.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

38 Application to enactments authorising acquisition of land by agreement

(1) The enactments mentioned in Schedule 6 to this Act (which apply the Lands Clauses Acts to certain of the powers of acquiring land by agreement possessed by authorities having power to acquire land compulsorily under the [Acquisition of Land Act 1981], or any of the enactments mentioned in the foregoing provisions of this Part of this Act) shall have effect subject to the amendments set out in that Schedule (which translate references to provisions of the Lands Clauses Acts relating to the acquisition of land by agreement into references to corresponding provisions of Part I of this Act).

(2) Nothing in the provisions of Part I of this Act as applied by Schedule 6 to this Act, or in the enactments mentioned in that Schedule, shall enable a local authority to sell for the purposes of those enactments without the consent of the Minister of Housing and Local Government or of any other Minister any land which they could not have sold without that consent apart from the provisions of this section.

(3) In Part I of this Act as applied to the purchase of land by agreement under any of the enactments mentioned in Schedule 6 to this Act—

- (a) “the acquiring authority” means a person authorised to purchase land by that enactment,
- (b) “the special Act” means the enactment,
- (c) in section 27 subsection (1) shall be omitted,

and for references to land subject to compulsory purchase there shall be substituted references to land which may be purchased by agreement under the enactment.

(4) This section shall not have effect as respects any purchase of land before the commencement of this Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (1): words in square brackets substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, the Water Resources Act 1991, Sch 18.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, art 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land

Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3–9.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

39 Consequential amendments and repeals

(1) Any enactment or document referring to an enactment repealed and re-enacted by this Act shall be construed as referring to the corresponding enactment in this Act.

(2) Without prejudice to the generality of subsection (1) of this section, any reference in any enactment or document to the Lands Clauses Acts, or to any provision of the Lands Clauses Acts, which is, or includes, a reference to the Lands Clauses Acts, or that provision of the Lands Clauses Acts, as incorporated by the [Acquisition of Land (Authorisation Procedure) Act 1946], or by any of the Acts mentioned in sections 33 to 37 of this Act or Schedule 6 to this Act, shall, unless the contrary intention appears, be construed as references to the corresponding provisions in Part I of this Act.

(3) Without prejudice to the last foregoing subsection, references to provisions of the Lands Clauses Acts in the enactments mentioned in Schedule 7 to this Act shall be amended in accordance with that Schedule.

(4) The enactments mentioned in Schedule 8 to this Act, of which those in Part II and Part III of that Schedule are spent or are superseded by the provisions of the Lands Tribunal Act 1949 and the Land Compensation Act 1961, shall be repealed to the extent specified in the third column of that Schedule, but subject to the respective provisions at the end of each Part of that Schedule.

(5) The mention of particular matters in this section shall not be taken to affect the general application to this Act of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Sub-s (2): words in square brackets substituted by the Acquisition of Land Act 1981, s 34(1), Sch 4.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, the Water Resources Act 1991, Sch 18.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, art 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3–9.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

40 Short title, commencement and extent

- (1) This Act may be cited as the Compulsory Purchase Act 1965.
- (2) Except as otherwise expressly provided, this Act shall come into force on 1st January 1966.
- (3) This Act shall not extend to Scotland or Northern Ireland.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see sub-s (2) above.

Extent

This Act does not extend to Scotland: see sub-s (3) above.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, the Water Resources Act 1991, Sch 18.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, art 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3–9.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

SCHEDULE 1**PERSONS WITHOUT POWER TO SELL THEIR INTERESTS**

Sections 2, 3

Preliminary

1

(1) The provisions of this Schedule have effect subject to section 42(7) of the Law of Property Act 1925 (which provides that if on a compulsory purchase title could have been made without payment into court, title shall be made in that way unless the purchaser otherwise elects).

(2) The provisions of this Schedule—

(a) have effect as if references to disabilities did not include references to disabilities of infants, married women or lunatics or defectives, and

[(b) do not have effect in relation to a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) for the purposes of this Act if—

(i) there is a donee of an enduring power of attorney or lasting power of attorney (within the meaning of the 2005 Act), or a deputy appointed for the person by the Court of Protection, and

(ii) the donee or deputy has power in relation to the person for the purposes of this Act].

Power to sell and convey to the acquiring authority

2

(1) It shall be lawful for all persons who are seised or possessed of or entitled to any of the land subject to compulsory purchase, or any estate or interest in any of that land, to sell and convey or release it to the acquiring authority, and to enter into all necessary agreements for the purpose.

(2) Subject to paragraph 1 of this Schedule, the foregoing sub-paragraph applies in particular—

(a) to corporations,

(b) to tenants in tail or for life,

(c) to trustees for charitable or other purposes, and

(d) to persons for the time being entitled to the receipt of the rents and profits of any of the land (whether in possession or subject to any lease for years or any less interest).

(3) Subject to paragraph 1 of this Schedule, the powers conferred by this paragraph on any person, other than a lessee for a term of years, or for any less interest, may be exercised not only on behalf of himself and his successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after him, or in defeasance of his estate.

(4) Trustees for a cestui que trust under any disability may exercise the powers conferred by this paragraph on behalf of that cestui que trust to the same extent that the cestui que trust could have exercised those powers if he had not been under any disability.

Additional powers of entering into transactions with acquiring authority

3

The following powers, that is—

- (a) any power conferred on a lord of the manor by Schedule 4 to this Act, and
- (b) any power of releasing land from any rent, charge or incumbrance, or of agreeing to the apportionment of any rent, charge or incumbrance under sections 14 to 20 of this Act,

may lawfully be exercised by any person enabled under the last foregoing paragraph to sell and convey or release land to the acquiring authority.

Valuation on purchase by agreement

4

(1) Subject to this paragraph, the compensation to be paid for any land to be purchased from a person under any disability or incapacity who has no power to sell or convey the land except under this Schedule, or for any permanent damage or injury to any such land, shall be determined by the valuation of two surveyors, one of whom shall be nominated by the acquiring authority, and the other by the other party.

(2) If the two surveyors cannot agree on a valuation, two justices of the peace may, on the application of either party, and after notice to the other party, nominate a third surveyor to make the valuation instead of the two other surveyors.

(3) Each of the two surveyors or, as the case may be, the third surveyor shall annex to any valuation made by him a declaration in writing signed by him of the correctness of the valuation.

(4) No valuation need be made under this paragraph if the compensation has been determined [by the Upper Tribunal] in pursuance of the provisions of this Act or under paragraph 1 of Schedule 2 to this Act.

(5) In this paragraph "surveyor" means an able practical surveyor.

Sale in consideration of rentcharge

5

(1) On a sale under section 24(1)(b) of this Act the amount of the rentcharge shall be settled in accordance with the last foregoing paragraph, but subject to the following provisions of this paragraph.

(2) The amount of the rentcharge shall not be less than five-fourths of the average net annual rent received by the persons beneficially interested in the land in question in the last seven years.

(3) A charge of five per cent. on the gross amount of any compensation estimated or fixed under this Act by way of compensation for any damage that may be done to the land shall be added to and form part of the rentcharge.

(4) No fine or premium, or consideration in the nature of a fine or premium, shall be paid or taken in respect of the land sold or damaged, other than the rentcharge.

(5) The rentcharge shall remain on the same trusts and for the same purposes as those on and for which the rents and profits of the land stood settled or assured at or immediately before the conveyance of the land.

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

6

(1) This paragraph applies to the compensation in respect of any land or interest in land purchased by the acquiring authority from a person who has no power to sell or convey it except under this Schedule, and compensation in respect of any permanent damage to any such land.

(2) Subject to this Schedule the compensation shall be paid into court and shall remain until applied to one or more of the following purposes on an order of the High Court, that is—

- (a) in the discharge of any debt or incumbrance affecting the land, or affecting other land settled therewith on the same or the like trusts or purposes, or
- (b) in the purchase of other land to be conveyed, limited and settled upon like trusts and purposes, and in the same manner, as the land stood settled in respect of which the compensation was paid, or
- (c) if the compensation was paid in respect of any buildings taken or injured by the proximity of the works, in removing or replacing the buildings, or substituting other buildings, in such manner as the High Court may direct, or
- (d) in payment to any party becoming absolutely entitled to the compensation.

(3) If, before compensation is applied under sub-paragraph (2) of this paragraph, it is dealt with under section 6 of the Administration of Justice Act 1965, the annual proceeds thereof shall be paid to the person who would for the time being have been entitled to the rents and profits of the land in respect of which the compensation was paid.

(4) An order of the High Court under this paragraph may be made on the application of the person who would have been entitled to the rents and profits of the land in respect of which the compensation is paid.

(5) < . . . >

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

7

(1) If the amount of the compensation exceeds twenty pounds but does not exceed two hundred pounds, it may, with the approval of the acquiring authority, instead of being paid into court under the last foregoing paragraph, be paid to two trustees approved by the acquiring authority and nominated by the person entitled to the rents or profits of the land in respect of which the compensation is paid by a nomination in writing signed by him.

(2) The compensation paid to the trustees, and the income arising from it, shall be applied by the trustees in accordance with the last foregoing paragraph, except that it shall not be necessary to obtain any order of the High Court for that purpose, and the compensation until so applied may be invested in government or real securities.

Compensation not exceeding £20

8

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

Sums payable under contract with persons not absolutely entitled

9

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

- (a) any part of any sums agreed or contracted to be paid for or in respect to the taking, using or interfering with any of the land, or
- (b) any part of the sums agreed or contracted to be paid in lieu of bridges, tunnels or other accommodation works.

(2) All such money shall be deemed to have been contracted to be paid for and on account of the several parties interested in the land, whether in possession or in remainder, reversion or expectancy.

(3) Notwithstanding the last foregoing sub-paragraph, the High Court or, as the case may be, the trustees under paragraph 7 of this Schedule may if they think fit allot to any tenant for life, or to a tenant for any other partial or qualified estate, for his own use, a part of the sums of money paid into court or to trustees under this Schedule as compensation for any injury, inconvenience or annoyance which he may have sustained independently of the actual value of the land, and of the damage occasioned to the land held therewith, by reason of the taking of the land and the execution of the works.

Conveyance of the land or interest

10

(1) When the compensation agreed or awarded in respect of the land has been paid into court under the foregoing provisions of this Schedule, the owner of the land (including all parties who are by this Schedule enabled to sell or convey the land) shall, when required to do so by the acquiring authority, duly convey the land or interest to the acquiring authority, or as they direct.

(2) If there is a failure to comply with the foregoing sub-paragraph, or a failure to adduce a good title to the land to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to execute a deed poll containing a description of the land, and reciting its acquisition by the acquiring authority, the names of the parties from whom it was purchased, the amount of compensation paid into court and the default.

(3) On execution of the deed poll all the estate and interest in the land belonging to, or capable of being sold and conveyed by, any person as between whom and the acquiring authority the compensation was agreed or awarded and paid into court shall vest absolutely in the acquiring authority, and as against all such persons and all parties on behalf of whom they are enabled by this Schedule to sell and convey, the acquiring authority shall be entitled to immediate possession of the land.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Para 1: sub-para (2)(b) substituted by the Mental Capacity Act 2005, s 67(1), Sch 6, para 12.

Date in force: 1 October 2007: see SI 2007/1897, art 2(1)(d).

Para 4: in sub-para (4) words “by the Upper Tribunal” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 71.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions

see art 5(6), Sch 5 thereto.

Para 6: sub-para (5) repealed by the Statute Law (Repeals) Act 1974.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Water Act 1989, s 151, Sch 18, para 2, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modification: para 10 modified by the Housing Act 1988, s 78, Sch 10, Part III, the Water Act 1989, s 151, Sch 18, para 5, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 10.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Schedule, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 6(b).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of para 10(3) above, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 6(b).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, paras 3, 6(b).

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, art 11, Sch 3, paras 3, 6.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 6(b).

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 16, Sch 4, paras 1, 3, 6(b).

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 24, Sch 6, paras 1, 3, 6(b).

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 3, 6(b).

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 3, 6(b).

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 6(b).

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 6(b).

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 6(b).

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 5(b).

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 6(b).

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 6(b).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 5(b).

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 6(b).

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4, 6(b).

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(5), Sch 1, paras 1, 3(1), (2), (4)(b).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1), 6(b).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, art 10(5), Sch 6, paras 1, 5(1), (2), (4)(b).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, art 21(5), Sch 9, paras 1, 4, 5(1), (2), (4)(b).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

See further, in relation to the application of para 10 above, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238 art 5(3), Sch 1, paras 1, 3, 6(b).

See further, in relation to the application of para 10 above, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 19(4), Sch 6, paras 3, 6(b).

See further, in relation to the application of para 10(3) above, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2,

Pt 1, paras 8, 9, 12(1), (2)(b), (3), 16.

See further, in relation to the application of para 10(3) above, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 6(b).

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 6(b).

See further, in relation to the application of para 10 above, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 25(3), Sch 6, paras 1, 3, 6(b).

SCHEDULE 2

ABSENT AND UNTRACED OWNERS

Section 5

1

(1) The compensation to be paid for any land subject to compulsory purchase to be purchased by the acquiring authority—

- (a) from a person who is prevented from treating with them on account of absence from the United Kingdom, or
- (b) from a person who cannot be found after diligent inquiry has been made, and the compensation to be paid for any permanent injury to any such land, shall be determined by the valuation of a surveyor selected from the members of the [Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors].

(2) . . .

(3) . . . the acquiring authority shall preserve the valuation and . . . and produce them, on demand, to the owner of the land to which the valuation relates, and to all other persons interested in the land.

(4) All the expenses of and incident to the valuation shall be borne by the acquiring authority.

2

(1) The acquiring authority may pay into court the compensation determined under this Schedule to be placed to the credit of the parties interested in the land, giving their descriptions so far as the acquiring authority is in a position to do so.

(2) When the acquiring authority have paid into court the compensation, it shall be lawful for them to execute a deed poll containing a description of the land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.

(3) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the acquiring authority, and as against those persons the acquiring authority shall be entitled to immediate possession of the land.

3

(1) On the application of any person claiming any part of the money paid into court, or of the land or any interest in the land in respect of which it was paid into court, the High Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is

distributed, it is dealt with under section 6 of the Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the court thinks fit.

(2) . . .

4

(1) If the person mentioned in paragraph 1(1) of this Schedule is dissatisfied with the surveyor's valuation he may, before applying under paragraph 3 of this Schedule to the High Court for payment or investment of the compensation paid into court, by notice in writing to the acquiring authority require the submission to the [Upper Tribunal] of the question whether the compensation paid into court was sufficient, or whether any and what further sum ought to be paid over or paid into court.

(2) If the [Upper Tribunal] [awards a] further sum, the acquiring authority shall pay over or pay into court as the case may require that further sum within fourteen days of the making of the award, and if they make default, that further sum may be recovered in proceedings in the High Court.

(3) If the [Upper Tribunal] [determines] that the compensation paid into court was sufficient, the costs of and incident to the proceedings before the [Upper Tribunal] shall, in accordance with [section 29 of the Tribunals, Courts and Enforcement Act 2007], be in the discretion of that Tribunal, but if the [Upper Tribunal] [determines] that a further sum ought to be paid, all the costs of and incident to the proceedings shall be borne by the acquiring authority.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Para 1: words omitted repealed by the Statute Law (Repeals) Act 1973.

Para 1: in sub-para (1)(b) words from "Upper Tribunal who" to "of Chartered Surveyors" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(a).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Para 3: sub-para (2) repealed by the Statute Law (Repeals) Act 1974.

Para 4: in sub-para (1) words "Upper Tribunal" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(b)(i).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Para 4: in sub-para (2) words "Upper Tribunal" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(b)(i).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Para 4: in sub-para (2) words "awards a" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(b)(ii).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Para 4: in sub-para (3) words "Upper Tribunal" in square brackets in each place they occur substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(b)(i).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Para 4: in sub-para (3) word "determines" in square brackets in both places it occurs substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(b)(iii).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions

see art 5(6), Sch 5 thereto.

Para 4: in sub-para (3) words “section 29 of the Tribunals, Courts and Enforcement Act 2007” in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 72(b)(iv).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modification: para 2 modified by the Housing Act 1988, s 78, Sch 10, Part III, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 10.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Schedule, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 6(c).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of para 2(3) above, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 6(c).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, paras 3, 6(c).

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail

(Paddington Station Bakerloo Line Connection) Order 2014, art 11, Sch 3, paras 3, 6.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 6(c).

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 16, Sch 4, paras 1, 3, 6(c).

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 3, 6(c).

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 3, 6(c).

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 6(c).

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 6(c).

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 6(c).

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 5(c).

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 6(c).

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 6(c).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 5(c).

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 6(c).

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4, 6(c).

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(5), Sch 1, paras 1, 3(1), (2), (4)(c).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1), 6(c).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, art 10(5), Sch 6, paras 1, 5(1), (2), (4)(c).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, art 21(5), Sch 9, paras 1, 4, 5(1), (2), (4)(c).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

See further, in relation to the application of para 2 above, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 19(4), Sch 6, paras 3, 6(c).

See further, in relation to the application of para 2 above, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 6(c).

See further, in relation to the application of para 2(3) above, with modifications, for the purposes of

the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 12(1), (2)(c), (3), 16.

See further, in relation to the application of para 2(3) above, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 6(c).

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 24, Sch 6, paras 1, 3, 6(c).

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 6(c).

See further, in relation to the application of para 2 above, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 25(3), Sch 6, paras 1, 3, 6(c).

[SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT]

NOTES

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

[Section 8]

NOTES

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

[Part 1 Counter-Notice where Acquiring Authority has not Taken Possession]

NOTES

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

[Introduction

1

(1) This Part applies where an acquiring authority—

- (a) serve a notice to treat in respect of part only of a house, building or factory,
- (b) have not entered on and taken possession of the land to which the notice to treat relates, and
- (c) have not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land to which the notice to treat relates.

(2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).

2

This Part does not apply by virtue of a notice to treat that is deemed to have been served in respect of part only of a house, building or factory under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).

3

In this Part—

“additional land” means the part of the house, building, or factory not specified in the notice to treat;

“house” includes any park or garden belonging to a house;

“land proposed to be acquired” means the part of the house, building or factory specified in the notice to treat;

“whole of the land” means the land proposed to be acquired and the additional land.

Counter-notice requiring authority to purchase whole of land

4

A person who is able to sell the whole of the land (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the whole of the land.

5

A counter-notice under this Part must be served within—

- (a) the period of 28 days beginning with the day on which the notice to treat was served, or
- (b) if it would end earlier, the period specified in a repeat notice of entry served in accordance with section 11A.

Effect of counter-notice on notice of entry

6

If the owner serves a counter-notice—

- (a) any notice of entry under section 11(1) that has already been served on the owner in respect of the land proposed to be acquired ceases to have effect, and
- (b) the acquiring authority may not serve a notice of entry (or a further notice of entry) on the owner under section 11(1) in respect of that land unless they are permitted to do so by paragraph 11 or 12.

Acquiring authority must respond to counter-notice within three months

7

On receiving a counter-notice the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or

- (c) refer the counter-notice to the Upper Tribunal.

8

The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served ("the decision period").

9

If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

10

If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period.

Effects of accepting counter-notice or referring it to the Upper Tribunal

11

If the acquiring authority serve notice of a decision to accept the counter-notice—

- (a) the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the whole of the land, and
- (b) the authority may serve a notice of entry under section 11(1) in relation to the whole of the land.

12

If the acquiring authority serve notice of a decision to refer the counter-notice to the Upper Tribunal, the acquiring authority may serve a notice of entry under section 11(1) on the owner in relation to the land proposed to be acquired.

13

If the authority have already served one or more notices of entry under section 11(1) in respect of the land proposed to be acquired the period specified in any new notice of entry in relation to that land must be a period that ends no earlier than the end of the period in the most recent notice of entry.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

See Further

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI

2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, s 5(7), Sch 9, para 2(9).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), 23(1), (4), Sch 7, para 9.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 9.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4, 10.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, art 8(5), Sch 1, paras 1, 3(1), (2), (8).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, SI 2017/1150, Sch 7, paras 1, 5(1), (2), (8).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1), 10.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, art 10(5), Sch 6, paras 1, 5(1), (2), (8).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, art 21(5), Sch 9, paras 1, 4, 5(1), (2), (8).

See further: the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, art 25(3)(a).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (8), 31(4), Sch 5, paras 4, 5.

See further: the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, art 23(3)(a).

See further: the Riverside Energy Park Order 2020, SI 2020/419, art 25(3)(a).

See further: the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, art 27(4)(a).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

[Part 2 Counter-Notice where Authority has Taken Possession]

NOTES

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

[Introduction

14

(1) This Part applies where an acquiring authority—

- (a) have entered on and taken possession of part only of a house, building or factory,
- (b) did not enter on and take possession of the land in accordance with section 11(1), whether because they had not served a notice to treat or otherwise, and
- (c) have not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land which they have entered on and taken

possession of.

(2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).

15

This Part does not apply if the acquiring authority are deemed to have served a notice to treat in respect of the land proposed to be acquired under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).

16

In this Part—

“additional land” means the part of the house, building, or factory that the authority have not entered on and taken possession of;

“house” includes any park or garden belonging to a house;

“land proposed to be acquired” means the part of the house, building or factory that the authority entered on and took possession of otherwise than in accordance with section 11(1);

“whole of the land” means the land proposed to be acquired and the additional land.

Counter-notice requiring authority to purchase additional land

17

A person who is able to sell the whole of the land (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the whole of the land.

18

A counter-notice under this Part must be served within the period of 28 days beginning with the day on which—

- (a) the owner first had knowledge that the acquiring authority had entered on and taken possession of the land, or
- (b) if later, the owner receives any notice to treat.

Acquiring authority must respond to counter-notice within 3 months

19

On receiving a counter-notice the acquiring authority must decide whether to—

- (a) accept the counter-notice, or
- (b) refer the counter-notice to the Upper Tribunal.

20

The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

21

If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

22

If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to accept the counter-notice at the end of that period.

Effects of accepting counter-notice

23

(1) This paragraph applies where the acquiring authority serve notice of a decision to accept the counter-notice.

(2) The compulsory purchase order has effect as if it included the owner's interest in the additional land.

(3) If the acquiring authority have already served a notice to treat in relation to the land proposed to be acquired, the notice has effect as if it also included the owner's interest in the additional land.

(4) If the acquiring authority have not served a notice to treat, they must serve a notice to treat in relation to the owner's interest in the whole of the land.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

See Further

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, s 5(7), Sch 9, para 2(9).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 23(1), (4).

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 9.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4, 10.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, art 8(5), Sch 1, paras 1, 3(1), (2), (8).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, SI

2017/1150, Sch 7, paras 1, 5(1), (2), (8).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1), 10.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, art 10(5), Sch 6, paras 1, 5(1), (2), (8).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, art 21(5), Sch 9, paras 1, 4, 5(1), (2), (8).

See further: the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, art 25(3)(a).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (8), 31(4), Sch 5, paras 4, 5.

See further: the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, art 23(3)(a).

See further: the Riverside Energy Park Order 2020, SI 2020/419, art 25(3)(a).

See further: the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, art 27(4)(a).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

[Part 3 Determination by the Upper Tribunal]

NOTES

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

[Introduction

24

This Part applies where, in accordance with paragraph 9 or 21, the acquiring authority refer a counter-notice to the Upper Tribunal.

25

In this Part “land proposed to be acquired” and “additional land” have the meanings given by paragraph 3 or 16 as the case may be.

Role of the Upper Tribunal

26

(1) The Upper Tribunal must determine whether the severance of the land proposed to be acquired 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.

(2) In making its determination, the Upper Tribunal must take into account—

- (a) the effect of the severance,
- (b) the proposed use of the land proposed to be acquired, and
- (c) if that land 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.

27

If the Upper Tribunal determines that the severance of the land proposed to be acquired would have either of the consequences described in paragraph 26(1) it must determine how much of the additional land the acquiring authority ought to be required to take in addition to the land proposed to be acquired.

Effect of determination that more land should be acquired

28

(1) This paragraph applies where the Upper Tribunal determines that the acquiring authority ought to be required to take the whole or part of the additional land.

(2) The compulsory purchase order has effect as if it included the owner's interest in the additional land.

(3) If the acquiring authority have already served a notice to treat in relation to the land proposed to be acquired, the notice has effect as if it also included the owner's interest in the additional land.

(4) If the acquiring authority have not served a notice to treat, they must serve a notice to treat in relation to the owner's interest in the land proposed to be acquired and the additional land.

(5) If the acquiring authority have already entered on and taken possession of the land proposed to be acquired, the power to award compensation under section 7 includes power to award compensation for any loss suffered by the owner by reason of the temporary severance of the land from the additional land.

(6) Where the Upper Tribunal determines that the acquiring authority ought to be required to take part only of the additional land, a reference in sub-paragraph (2) to (5) to "the additional land" is to that part.

Withdrawal of notice to treat following determination

29

(1) This paragraph applies where—

- (a) the acquiring authority have served a notice to treat in respect of the land proposed to be acquired,
- (b) the Upper Tribunal has determined that the authority ought to be required to take the whole or part of the additional land, and
- (c) the authority have not yet entered on and taken possession of any of the land proposed to be acquired or the additional land.

(2) The acquiring authority may withdraw the notice to treat in respect of the whole of the land at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination.

(3) If the acquiring authority withdraws the notice to treat under this paragraph they 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.

(4) Any dispute as to the compensation is to be determined by the Upper Tribunal.]

NOTES

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Inserted by the Housing and Planning Act 2016, s 199(1), Sch 17, Pt 1, paras 1, 3.

Date in force: 3 February 2017: see SI 2017/75, reg 3(g); for transitional provisions see reg 5(1), (2)(d), (3).

See Further

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the High Speed Rail (London—West Midlands) Act 2017, s 5(7), Sch 9, para 2(9).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 9.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4, 10.

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, art 8(5), Sch 1, paras 1, 3(1), (2), (8).

See further, with modifications, the Network Rail (Buxton Sidings Extension) Order 2017, SI 2017/1150, Sch 7, paras 1, 5(1), (2), (8).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1), 10.

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, art 10(5), Sch 6, paras 1, 5(1), (2), (8).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, art 21(5), Sch 9, paras 1, 4, 5(1), (2), (8).

See further: the Abergelli Power Gas Fired Generating Station Order 2019, SI 2019/1268, art 25(3)(a).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Midland Metro (Birmingham Eastside Extension) Order 2020, SI 2020/141, arts 29(1), (2), (8), 31(4), Sch 5, paras 4, 5.

See further: the Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, SI 2020/325, art 23(3)(a).

See further: the Riverside Energy Park Order 2020, SI 2020/419, art 25(3)(a).

See further: the Lake Lothing (Lowestoft) Third Crossing Order 2020, SI 2020/474, art 27(4)(a).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

SCHEDULE 3

...

NOTES

Amendment

Repealed by the Housing and Planning Act 2016, s 190, Sch 16, paras 2, 6.
Date in force: 13 July 2016: see SI 2016/733, reg 3(j).

...

NOTES

Amendment

Repealed by the Housing and Planning Act 2016, s 190, Sch 16, paras 2, 6.
Date in force: 13 July 2016: see SI 2016/733, reg 3(j).

1

NOTES

Amendment

Repealed by the Housing and Planning Act 2016, s 190, Sch 16, paras 2, 6.
Date in force: 13 July 2016: see SI 2016/733, reg 3(j).

SCHEDULE 4 COMMON LAND

Section 21

General

1

(1) The compensation in respect of the right in the soil of any of the land subject to compulsory purchase and subject to any rights of common shall be paid to the lord of the manor, in case he is entitled thereto, or to such party, other than the commoners, as is entitled to the right in the soil.

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

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

2

(1) On payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation agreed or awarded in respect of the right in the soil of any such land, or, where provided for in this Act, on payment into court of that compensation, the lord of the manor or other party shall convey the land to the acquiring authority.

(2) The conveyance shall have the effect of vesting the land in the acquiring authority as if the lord of the manor or other party had been seised in fee simple of the land at the time of executing the conveyance.

(3) In default of such a conveyance it shall be lawful for the acquiring authority, if they think fit, to

execute a deed poll in the manner provided by section 9(3) of this Act, and thereupon the land in respect of which the compensation was paid into court shall vest absolutely in the acquiring authority and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until those rights have been extinguished by payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into court.

Compensation for common land not held of a manor

3

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

Appointment of committee of commoners

4

(1) The acquiring authority may convene a meeting of the persons entitled to commonable or other rights over or in the land subject to compulsory purchase to be held at some convenient place in the locality for the purpose of appointing a committee to treat with the acquiring authority for the compensation to be paid for the extinction of the commonable or other rights.

(2) The meeting shall be called by publishing a notice in two consecutive weeks in a newspaper circulating in the county or counties and in the locality in which the land is situated.

(3) The last of those notices shall be published not more than fourteen or less than seven days before the meeting.

(4) Notice of the meeting shall also, not less than seven days before the meeting, be affixed on the door of the parish church in the locality where the meeting is to be held, or if there is no such church, at some other place in the locality where notices are usually affixed; and if the land is parcel of or held of a manor, the notice of the meeting shall also be given to the lord of the manor.

(5) A meeting called under this paragraph may appoint a committee consisting of not more than five of the persons entitled to any such rights, and at such a meeting the decision of the majority of the persons so entitled who are present shall bind the minority and all absent parties.

(6) In this paragraph "county" includes any riding or other like division of a county, and a county of a city or of a town.

Negotiations with committee

5

(1) The committee may agree on behalf of themselves and all other parties interested in the commonable and other rights, and all such parties shall be bound by the agreement.

(2) The committee may receive the compensation agreed to be paid, and the receipt of the committee, or of any three of them, shall be an effectual discharge for the compensation.

(3) The compensation when received shall be apportioned by the committee among the several

persons interested according to their respective interests, and the acquiring authority shall not be bound to see to the apportionment or to the application of the compensation, nor shall they be liable for the misapplication or nonapplication of the compensation.

(4) If the committee fail to agree with the acquiring authority as to the amount of the compensation it shall be referred to and determined by the [Upper Tribunal].

Settlement of compensation where no committee is appointed

6

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

Execution of deed poll

7

(1) On payment or tender to the committee, or any three of them, or if there is no such committee then upon payment into court in the manner provided in the like case, of the compensation agreed or awarded in respect of the commonable or other rights, it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act.

(2) On execution of the deed poll the land in respect of which the compensation was paid over, or paid into court, shall vest in the acquiring authority freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof.

(3) The High Court may order payment of the compensation paid into court to a committee appointed under this Schedule, or make such other order with respect thereto for the benefit of the parties interested as the High Court thinks fit.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Para 5: in sub-para (4) words "Upper Tribunal" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 73(a).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Para 6: words from "Upper Tribunal who" to "of Chartered Surveyors" in square brackets substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 73(b).

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Modification

Modification: paras 2, 7 modified by the Housing Act 1988, s 78, Sch 10, Part III, and the Electricity Act 1989, s 10(1), Sch 3, Part II, para 10.

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Schedule, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, in relation to the application of paras 2(3), 7(2) above, with modifications, for the purposes of the Network Rail (Reading) (Land Acquisition) Order 2009: the Network Rail (Reading) (Land Acquisition) Order 2009, SI 2009/2728, art 6(3), Sch 2, paras 3, 6(d).

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Network Rail (Ipswich Chord) Order 2012: the Network Rail (Ipswich Chord) Order 2012, SI 2012/2284, arts 17, 18(4), Sch 5, paras 3, 6(d).

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014: the Crossrail (Paddington Station Bakerloo Line Connection) Order 2014, art 11, Sch 3, paras 3, 6.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3, 6(d).

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further: the Network Rail (Tinsley Chord) Order 2015, SI 2015/1876, art 16, Sch 4, paras 1, 3, 6(d).

See further: the London Underground (Bank Station Capacity Upgrade) Order 2015, SI 2015/2044, art 24, Sch 6, paras 1, 3, 6(d).

See further, with modifications, the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, SI 2016/17, art 25, Sch 14, paras 3, 6(d).

See further, with modifications, the National Grid (Hinkley Point C Connection Project) Order 2016, SI 2016/49, art 22, Sch 10, paras 3, 6(d).

See further, with modifications, the Midland Metro (Wolverhampton City Centre Extension) Order 2016, SI 2016/684, arts 28, 30, Sch 5, paras 1, 3, 6(d).

See further, with modifications, the Meaford Gas Fired Generating Station Order 2016, SI 2016/779, arts 8, 18, Sch 3, paras 1, 3, 6(d).

See further, with modifications, the North Wales Wind Farms Connection Order 2016, SI 2016/818, arts 18, 37, Sch 7, paras 1, 3, 6(d).

See further, with modifications, the River Humber Gas Pipeline Replacement Order 2016, SI 2016/853, art 22(3), Sch 11, paras 1, 3, 5(d).

See further, with modifications, the Triton Knoll Electrical System Order 2016, SI 2016/880, art 18(4), Sch 6, paras 1, 3, 6(d).

See further, with modifications, the Brechfa Forest Wind Farm Connection Order 2016, SI 2016/987, arts 18, 19, Sch 4, paras 1, 6(d).

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the Wrexham Gas Fired Generating Station Order 2017, SI 2017/766, art 18(3), Sch 7, paras 1, 5(d).

See further, with modifications, the National Grid (Richborough Connection Project) Development Consent Order 2017, SI 2017/817, art 21(4), Sch 10, paras 1, 3, 6(d).

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4, 6(d).

See further, with modifications, the Network Rail (Closure of Abbots Ripton Level Crossing) Order 2017, SI 2017/1074, art 8(5), Sch 1, paras 1, 3(1), (2), (4)(d).

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1), 6(d).

See further, with modifications, the High Speed Rail (London—West Midlands) (Greatmoor Railway Sidings Etc) Order 2018, SI 2018/693, art 10(5), Sch 6, paras 1, 5(1), (2), (4)(d).

See further, with modifications, the Network Rail (Werrington Grade Separation) Order 2018, SI 2018/923, art 21(5), Sch 9, paras 1, 4, 5(1), (2), (4)(d).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, paras 3, 6(d).

See further, in relation to the application of paras 2, 7 above, with modifications, for the purposes of the Network Rail (Nuneaton North Chord) Order 2010: the Network Rail (Nuneaton North Chord) Order 2010, SI 2010/1721, art 19(4), Sch 6, paras 3, 6(d).

See further, in relation to the application of this paras 2, 7 above, with modifications, for the purposes of the Teesport (Land Acquisition) Order 2008: the Teesport (Land Acquisition) Order 2008, SI 2008/1238, art 5(3), Sch 1, paras 1, 3, 6(d).

See further, in relation to the application of paras 2(3), 7(2) above, with modifications, for the purposes of the Housing and Regeneration Act 2008: the Housing and Regeneration Act 2008, s 9(6), Sch 2, Pt 1, paras 8, 9, 12(1), (2)(d), (3), 16.

See further, in relation to the application of paras 2(3), 7(2) above, with modifications, for the purposes of the Network Rail (North Doncaster Chord) Order 2012: the Network Rail (North Doncaster Chord) Order 2012, SI 2012/2635, art 24(3), Sch 9, paras 3, 6(d).

See further, with modifications, the Midland Metro (Birmingham City Centre Extension, etc) (Land Acquisition and Variation) Order 2016, SI 2016/545, arts 21, 23, Sch 2, paras 1, 3, 6(d).

See further, in relation to the application of paras 2, 7 above, with modifications, for the purposes of the Felixstowe Branch Line and Ipswich Yard Improvement Order: the Felixstowe Branch Line and Ipswich Yard Improvement Order 2008, SI 2008/2512, art 25(3), Sch 6, paras 1, 3, 6(d).

SCHEDULE 5 FORMS OF CONVEYANCE

Section 23(6)

General

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

Conveyance on rentcharge

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

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Words “Senior Courts” in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 2, para 4(1), (3).

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Schedule, with modifications, in relation to compensation provisions etc in relation to the creation of new rights under the Coal Industry Act 1994, s 4C: the Coal Industry Act 1994, s 4C(5), Sch 1B (as inserted by the Water Act 2003, s 85(2), Sch 6).

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the

Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, in relation to the application of this Schedule, with modifications, for the purposes of the Crossrail Act 2008: the Crossrail Act 2008, s 6, Sch 6, Pt 2, paras 2, 3, Pt 3, paras 2, 3.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013: the Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013, SI 2013/2587, arts 27, 29, 36, Sch 5.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Redditch Branch Enhancement) Order 2013: the Network Rail (Redditch Branch Enhancement) Order 2013, SI 2013/2809, arts 16, 17, 21, Sch 7.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, arts 22, 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015, SI 2015/1684, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, SI 2020/114, arts 23, 25(5), Sch 13, paras 4, 5.

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

SCHEDULE 6

POWERS OF PURCHASING LAND BY AGREEMENT

Section 38

...

NOTES

Initial Commencement
Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

Remainder amends the Small Holdings and Allotments Act 1908, s 38 and the Prison Act 1952, s 36(3).

This Schedule is spent in part and repealed in part by the Town and Country Planning Act 1971, s 292(2), Sch 25, the Statute Law (Repeals) Act 1974, the Salmon and Freshwater Fisheries Act 1975, s 42(1), Sch 5, the Airports Authority Act 1975, s 25(3), Sch 6, the Statute Law (Repeals) Act 1978, the Highways Act 1980, s 343(3), Sch 25, the Civil Aviation Act 1982, s 109, Sch 16, and the Water Act 1989, s 190(3), Sch 27, Pt I.

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

SCHEDULE 7

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

Section 39(3)

THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845

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

...

...

...

THE LAND COMPENSATION ACT 1961

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

...

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

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

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

Amendment

In entry relating to the Railways Clauses Consolidation Act 1845 words “Upper Tribunal” in square brackets in both places they occur substituted by SI 2009/1307, art 5(1), (2), Sch 1, paras 59, 74.

Date in force: 1 June 2009: see SI 2009/1307, art 1; for transitional and savings provisions see art 5(6), Sch 5 thereto.

Entry relating to the Commons Act 1899 (omitted) repealed by the Commons Act 2006, s 53, Sch 6, Pt 2.

Date in force (in relation to England): 1 October 2006: see SI 2006/2504, art 2(i)(iv).

Date in force (in relation to Wales): 6 September 2007: see SI 2007/2386, art 3(l), (q)(iv).

Entry relating to the Landlord and Tenant Act 1954 (omitted) repealed by the Land Compensation Act 1973, s 86, Sch 3.

Entry relating to the Housing Act 1957 (omitted) repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Pt I.

In entry relating to the Land Compensation Act 1961 words omitted spent.

Modification

This Act modified by the Gas Act 1986, s 9(3), Sch 3, Part II, the Electricity Act 1989, s 10(1), Sch 3, Part II, para 6, the Water Industry Act 1991, Sch 9, Sch 11, para 6, the Water Resources Act 1991, Sch 18, Sch 19, para 6.

Modified, by the Postal Services Act 2000, s 95, Sch 5, Pt II, paras 5–12, in relation to a universal service provider's (within the meaning of s 4 of that Act) compulsory acquisition of a right in England and Wales.

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the

Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.
See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

SCHEDULE 8 REPEALS

Section 39(4)

Part 1 Enactments Consolidated

Chapter	Short Title	Extent of Repeal
9 & 10 Geo 5 c 59	The Land Settlement Facilities Act 1919	Section 12(3)
16 & 17 Geo 5 c 52	The Small Holdings and Allotments Act 1926	Section 17(1)
8 & 9 Geo 6 c 42	The Water Act 1945	In Schedule 2, in paragraph 1, sub-paragraphs (a) and (b), and in paragraph 2 the words “the Land Clauses Acts and” and sub-paragraph (b).

9 & 10 Geo 6 c 49	The Acquisition of Land (Authorisation Procedure) Act 1946	<p>In section 1(3), the words “Land Clauses Acts and other” and the words “I and” in both places.</p> <p>In Schedule 2, Part I except for paragraph 1(a) as applied by paragraph 7(2) of that Schedule.</p> <p>In Schedule 4, in the entry amending the Land Settlement Facilities Act 1919 the words, “In section 12, subsection (3) shall not apply to land purchased compulsorily”.</p>
11 & 12 Geo 6 c 22	The Water Act 1948	In the Schedule, in paragraph 1, the words from the beginning to “those Acts and”, the words “I and” and the proviso, and paragraph 8(2).
5 & 6 Eliz 2 c 56	The Housing Act 1957	<p>In Schedule 1, paragraph 1(2).</p> <p>In Schedule 3, paragraph 7(1)(a) and sub-paragraphs (1) to (4), (6) and (8) of paragraph 8, and paragraph 9.</p> <p>In Schedule 7, paragraph 1(2).</p>
10 & 11 Eliz 2 c 38	The Town and Country Planning Act 1962	<p>In section 75(7), the words from “by the second” to “1946 and”.</p> <p>In section 86(6) the words from “(notwithstanding” to “1946”.</p> <p>In Schedule 4, paragraph 6(3).</p>
10 & 11 Eliz 2 c 58	The Pipe-lines Act 1962	In Schedule 3, paragraphs 1, and 2.
1963 c 38	The Water Resources Act 1963	In Schedule 8, paragraph 12(1), (2), (3).
1964 c 56	The Housing Act 1964	Section 59(3).

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

- (a) in relation to a compulsory purchase order confirmed before the commencement of this Act under Part I of Schedule 1 to the Act of 1946 or section 24 of the Water Act 1945 or Part III of the Housing Act 1957, or

- (b) in relation to a compulsory purchase order made before the commencement of this Act under Part II of Schedule 1 to the Act of 1946, or section 9 or section 23 of the Water Act 1945 or section 67 of the Water Resources Act 1963, or section 11 of the Pipe-lines Act 1962, or
- (c) in relation to a notice served under section 59 of the Housing Act 1964 before the commencement of this Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

Part 2

Spent Provisions in Lands Clauses Consolidation Act 1845

Chapter	Short Title	Extent of Repeal
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8 & 9 Vict c 18

The Lands Clauses Consolidation Act 1845

In section 7 the words from "married women" where they first occur to "idiots" where that word first occurs, the words "any estate in dower or to", the words "for life, or for lives and years, or", the words "married women entitled to dower or", the words "for life or for lives and years or" the words from "and as to such married women" to the word "disability" (before the words "and as to such trustees").

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

In section 69 the words from "married woman" to "idiot".

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

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

In section 72 the words "coverture, infancy, idiocy, or other" and the words "husbands, guardians, committees or".

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

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

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

In section 87 the words "bank annuities or".

Section 88.

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

In the enacting words prefacing

		sections 115 to 118 the words “or chief or other rent”.
		In section 116 the words “chief or other rent”.
		In section 117 the words “chief or other rent”.
		139
		143
		147

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

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.

Part 3

Provisions Superseded by Lands Tribunal Act 1949 and Land Compensation Act 1961

Chapter	Short Title	Extent of Repeal
8 & 9 Vict c 18	The Land Clauses Consolidation Act 1845	<p>In section 21 the word “hereinafter”.</p> <p>Section 22 except as applied by section 30 of the Railways Clauses Consolidation Act 1845.</p> <p>Sections 23 to 57.</p> <p>In section 58 the words from “or who shall” to “notice thereof” and the words from “as two” to the end of the section.</p> <p>In section 59 from the beginning to “as aforesaid and”.</p> <p>In section 68 the words “and if the compensation claimed in such case shall exceed the sum of fifty pounds” and the words from “either” to the end of the section.</p> <p>In section 76 the words “or fail to appear on the inquiry before a jury as herein provided for”.</p> <p>In section 106 the words from “to be appointed” to the end of the section.</p> <p>In section 121 the words from “and the amount” to “differ about the same”.</p> <p>Section 145.</p>
10 & 11 Vict c 27	The Harbours, Docks and Piers Clauses Act 1847	<p>In section 6 the words from “and except where” to “provided by”, the words from “for determining” to “last mentioned Acts” and the words “and to enforcing the payment or</p>

46 & 47 Vict c 15	The Lands Clauses (Umpire) Act 1883	other satisfaction thereof". The whole Act.
58 & 59 Vict c 11	The Lands Clauses (Taxation of Costs) Act 1895	The whole Act
12, 13 & 14 Geo 6 c 27	The Juries Act 1949	Section 12 In section 18(1) proviso (a)
12, 13 & 14 Geo 6 c 42	The Lands Tribunal Act 1949	In section 1, in subsection (3)(c) the words "on an acquisition by any such authority", and in subsection (6) the word from "instead of" to "therewith".

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

NOTES

Initial Commencement

Specified date

Specified date: 1 January 1966: see s 40(2).

Extent

This Act does not extend to Scotland: see s 40(3).

See Further

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105: the Docklands Light Railway (Capacity Enhancement) Order 2005, SI 2005/3105, art 27(2), Sch 7, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905: the Docklands Light Railway (Stratford International Extension) Order 2006, SI 2006/2905, art 23(3), Sch 8, paras 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Thameslink 2000) Order 2006: the Network Rail (Thameslink 2000) Order 2006, SI 2006/3117, arts 25, 26(3), Sch 7, para 3.

See further, in relation to the application of this Act, with modifications, for the purposes of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297: the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007, SI 2007/2297, arts 21, 23(2), (3), 29, 31(1)(a), Sch 6, paras 3–9.

See further, with modifications, the Network Rail (Hitchin (Cambridge Junction)) Order 2011, SI 2011/1072, art 20(4), Sch 8, paras 1, 3–9.

See further, in relation to the application of this Act, with modifications, for the purposes of the Network Rail (Pont Briwet) (Land Acquisition) Order 2013: the Network Rail (Pont Briwet) (Land Acquisition) Order 2013, SI 2013/767, arts 4, 6, 12, Sch 1, paras 1, 3–9.

See further, with modifications, the Network Rail (Norton Bridge Area Improvements) Order 2014, SI 2014/909, art 22(5), Sch 8, paras 1, 3–9.

See further, with modifications, the London Underground (Northern Line Extension) Order 2014, SI 2014/3102, arts 24, 26, 34, Sch 3, paras 1, 3–9.

See further, with modifications, the Network Rail (Ordsall Chord) Order 2015, SI 2015/780, art 24(5), Sch 9, paras 1, 3–9.

See further, with modifications, the Progress Power (Gas Fired Power Station) Order 2015, SI 2015/1570, art 21(3), Sch 7, paras 1, 3.

See further, with modifications, the North London Heat and Power Generating Station Order 2017, SI 2017/215, art 22, Sch 11, paras 1, 3.

See further, with modifications, the London Overground (Barking Riverside Extension) Order 2017, SI 2017/830, arts 22, 24, Sch 3, paras 1, 4.

See further, with modifications, the Boston Barrier Order 2017, SI 2017/1329, art 34(3), Sch 3, paras 1, 4(1).

See further, with modifications, the Norfolk Vanguard Offshore Wind Farm Order 2020, SI 2020/706, art 20(4), Sch 7, paras 3–9.