

# Compulsory Purchase Act 1965

## 1965 CHAPTER 56

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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]

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### Notes

- <sup>1</sup> Act amended by Gas Act 1986 (c.44), s. 9(3), Sch. 3 Pt. II para. 5; applied with modifications by Land Commission Act 1967 (c. 1), ss. 10, 14(4), Courts Act 1971 (c. 23), s. 28(4), Sch. 3 para. 3, Highways Act 1971 (c. 41), ss. 47(6), 52(2), Electricity Act 1989 (c.29), s. 10(1), Sch. 3 paras. 6-13, Housing Act 1988 (c.50), s. 78(2)(b), Sch. 10 Pt. III paras. 20-23, Housing Act 1985 (c.68), s. 578, Land Drainage Act 1976 (c. 70), s. 37(4), Development of Rural Wales Act 1976 (c.75), ss. 6(2)(4)(6)(7), 27, Sch. 4 Pt. II, Sch. 7 para. 5(5), S.I. 1978/268, art. 4 and Highways Act 1980 (c.66), s.250, Sch. 19; modified by Town and Country Planning Act 1990 (c. 8), s. 245(4), Water Act 1989 (c.15), s. 151(5), Sch. 18 para. 2(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government (Miscellaneous Provisions) Act 1976 (c.57), s. 13(2), Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), s. 7(1)(b), Acquisition of Land Act 1981 (c.67), s. 30(1) and Local Government Act 1972 (c. 70), s. 129 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3

### Extent

Preamble: England, Wales

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## PART I

### COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

*Preliminary*

✓ Law In Force

## 10.— Further provision as to compensation for injurious affection.

(1) If any person claims compensation in respect of any land, or any interest in land, which has been taken for or injuriously affected by the execution of the works, and for which the acquiring authority have not made satisfaction under the provisions of this Act, or of the special Act, any dispute arising in relation to the compensation shall be referred to and determined by the [Upper Tribunal]<sup>1</sup>.

(2) This section shall be construed as affording in all cases a right to compensation for injurious affection to land which is the same as the right which section 68 of the Lands Clauses Consolidation Act 1845 has been construed as affording in cases where the amount claimed exceeds fifty pounds.

(3) Where this Part of this Act applies by virtue of [Part IX of the Town and Country Planning Act 1990]<sup>2</sup> reference in this section to the acquiring authority shall be construed in accordance with [section 245(4)(b) of that Act]<sup>3</sup>.

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### Notes

<sup>1</sup> Words substituted by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 Sch.1 para.63 (June 1, 2009)

<sup>2</sup> Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s.4, Sch. 2 para. 13(2)(a)

<sup>3</sup> Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 13(2)(b)

### Commencement

Pt I s. 10: January 1, 1966 (1965 c. 56 Pt II s. 40(2))

### Extent

Pt I s. 10(1)-(3): England, Wales

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## *Entry on the land*

✓ Law In Force

## 11.— Powers of entry.

(1) If the acquiring authority have served notice to treat in respect of any of the land and have served on the owner, lessee and occupier of that land [a notice of entry]<sup>1</sup>, the acquiring authority may enter on and take possession of that land, or of such part of that land as is specified in the notice [, after the end of a period specified in the notice]<sup>2</sup>; and then any compensation agreed or awarded for the land of which possession is taken shall carry interest at the rate prescribed under section 32 of the Land Compensation Act 1961 from the time of entry until the compensation is paid, or is paid into court in accordance with this Act.

Where under this subsection a notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in [section 12(3) of the Acquisition of Land Act]<sup>3</sup>, a like notice shall be served on the [Diocesan Board of Finance for the diocese in which the land is situated]<sup>4</sup>.