

## SCHEDULES

### SCHEDULE 5

#### COMPULSORY PURCHASE.

#### PART III

##### PROCEDURE FOR ACQUISITION OF LAND BY COMPULSORY PURCHASE

##### *England and Wales*

- 11 (1) For the purpose of any acquisition by the Minister of land in England or Wales, where the acquisition is by compulsory purchase, Part I of the Compulsory Purchase Act 1965 shall apply subject to and in accordance with the following provisions of this paragraph.
- (2) In the said Part I as so applied—
- (a) " the acquiring authority " means the Minister, and
  - (b) " the special Act " means section 39 of this Act and the compulsory purchase order under section 40.
- (3) In relation to compulsory purchase under this Act, Part I of the said Act of 1965 shall be modified as follows:—
- (a) section 8(1) (provisions as to divided land) shall not apply, but no person shall at any time be required to sell or convey a part only of a house, or other building or manufactory, if that person is willing and able to convey the whole ;
  - (b) in section 11 (power of entry after notice to treat), subsection (1) shall not apply and subsection (2) shall apply with the omission of the word " also " ;
  - (c) section 27 (liability of acquiring authority to make good deficiency in rates) shall not apply;
  - (d) in section 30 (method of serving notices), subsection (3) shall not apply, but notices required to be served by the Minister under any provision of the said Act of 1965 as applied by this paragraph may, notwithstanding anything in section 30(1) of that Act, be served and addressed in the manner specified in section 30 of this Act; and
  - (e) section 31 (ecclesiastical property) shall not apply.
- (4) Where land compulsorily purchased is glebe land or other land belonging to an ecclesiastical benefice, sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting the land shall not be paid as directed by the said Act of 1965 but shall be paid to the Church Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

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*Status: This is the original version (as it was originally enacted).*

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- 12 As regards land in England or Wales, a compulsory purchase order under this Act may provide that section 77 of the Railways Clauses Consolidation Act 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, shall be incorporated with section 39 of this Act, subject to such adaptations and modifications as may be specified in the order.

*Scotland*

- 13 (1) For the purpose of any acquisition by the Minister of land in Scotland, where the acquisition is by compulsory purchase, the Lands Clauses Acts, except the following enactments in the Lands Clauses Consolidation (Scotland) Act 1845, that is to say—  
sections 120 to 125,  
section 127, and  
sections 142 and 143,  
are hereby incorporated with section 39 of this Act, subject to the modifications and adaptations specified in the following two sub-paragraphs.
- (2) In construing the Lands Clauses Acts as incorporated by this paragraph, section 39 of this Act and the compulsory purchase order under section 40 shall be deemed to be the special Act, and references to the promoters of the undertaking shall be construed as references to the Minister.
- (3) Notices required to be served by the Minister under any provision of the Lands Clauses Acts as incorporated by this paragraph may, notwithstanding anything in section 18 of the Lands Clauses Consolidation (Scotland) Act 1845, be served and addressed in the manner specified in section 30 of this Act.
- (4) For the purposes of section 116 of the Lands Clauses Consolidation (Scotland) Act 1845 (which provides that powers of compulsory purchase shall not be exercised after the expiration of the prescribed period) the prescribed period shall be three years from the coming into operation of the compulsory purchase order.
- 14 As regards land in Scotland, a compulsory purchase order under this Act may provide that section 70 of the Railways Clauses Consolidation (Scotland) Act 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, shall be incorporated with section 39 of this Act, subject to such adaptations and modifications as may be specified in the order.