



Compulsory Purchase Act 1965

1965 CHAPTER 56

PART I

COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

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

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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.

Modifications etc. (not altering text)

- C1** Pt. 1 modified (8.8.2017) by [The Wrexham Gas Fired Generating Station Order 2017 \(S.I. 2017/766\)](#), arts. 1, [23\(2\)\(3\)](#)
- C2** Pt. 1 modified (22.7.2020) by [The Norfolk Vanguard Offshore Wind Farm Order 2020 \(S.I. 2020/706\)](#), arts. 1, [23](#) (with arts. 41, 42, Sch. 16 para. 66)
- C3** S. 22 excluded by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. [10\(3\)](#)
- C4** S. 22 applied (with modifications) (7.3.1995) by [S.I. 1995/519](#), art. 23(3), [Sch. 4 para. 9](#)
- C5** S. 22 modified (31.3.1994) by [1994 c. iv, s. 17](#), [Sch. 2 para. 6](#)
- C6** S. 22 modified (8.8.2017) by [The Wrexham Gas Fired Generating Station Order 2017 \(S.I. 2017/766\)](#), art. 1, [Sch. 7 para. 8](#)
- C7** S. 22 modified (22.7.2020) by [The Norfolk Vanguard Offshore Wind Farm Order 2020 \(S.I. 2020/706\)](#), art. 1, [Sch. 7 para. 9](#) (with arts. 41, 42, Sch. 16 para. 66)
- C8** S. 22(1)–(3), (5) modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 13(3), [Sch. 3 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 [F1Senior 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 [F1Senior 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.

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- (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.

Textual Amendments

- F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 4](#); [S.I. 2009/1604](#), art. 2(d)

24 Power to sell in consideration of a rentcharge.

F2

Textual Amendments

- F2** S. 24 repealed by [Rentcharges Act 1977 \(c. 30, SIF 98:1\)](#), s. 17(2)(3), [Sch. 2](#) (subject to savings in [s. 17\(4\)](#) in relation to applications for apportionment or redemption made before [22.8.1977](#) and in relation to the creation of rentcharges by virtue of [s. 17\(2\)](#))

25 Payment into court.

- (1) References in this Act to payment of money into court are references to payment of the money into the [^{F1}Senior Courts] and section 4 of the ^{M1}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.

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F3(4)

Textual Amendments

- F1 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 4](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F3 S. 25(4) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. 1X](#)

Marginal Citations

- M1 1965 c. 2.

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.

Modifications etc. (not altering text)

- C9 S. 26 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 13\(3\), Sch. 3 paras. 4, 5](#)

27

- (1) F4
- (5) F5
- (6) F4

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Textual Amendments

- F4** S. 27 repealed (with saving) by [S.I. 1990/776, art. 3, Sch. 1](#)
F5 S. 27(5) repealed by [General Rate Act 1967 \(c. 9\), Sch. 14 Pt. 1](#)

28 General provisions as to deeds poll.

- (1) Any deed poll executed by the acquiring authority in accordance with this Act shall be under their common seal or official seal.
- (2) Any such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the acquiring authority of the land described therein, or otherwise duly stamped.
- (3) The provisions of this Act as to the execution of deeds poll have effect subject to section 7(4) of the ^{M2}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).

Marginal Citations

- M2** 1925 c. 20.

^{F6}29 Irregularities in proceedings under the Act.

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Textual Amendments

- F6** S. 29 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 29, Sch. 23 Pt. 3](#) (with s. 89); [S.I. 2014/768, art. 2\(1\)\(b\)](#)

30 Service of notices.

[^{F7}Section 6 of the Acquisition of Land Act shall apply to the service of notices under this Act.]

Textual Amendments

- F7** S. 30 substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 14\(4\)](#)

31 Ecclesiastical property.

Any sums agreed or awarded for the purchase of land being ecclesiastical property as defined in [^{F8}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 [^{F9}shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and][^{F10}shall be applied] for the purposes for which the proceeds of a sale by agreement of the

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land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale. ^{F11}...

Textual Amendments

- F8** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), [Sch. 4 para. 14\(5\)](#)
- F9** Words in s. 31 substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 12\(2\)](#); S.I. 2006/2, Instrument made by Archbishops
- F10** Words in s. 31 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\)](#), s. 70, [Sch. 15, Pt. 1](#), para. 19(b); S.I. 1991/2067, [art. 3](#).
- F11** Words in s. 31 omitted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 12\(2\)](#); S.I. 2006/2, Instrument made by Archbishops

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 [^{F12}Acquisition of Land (Authorisation Procedure) Act 1946], or made under Part II of that Schedule, before the commencement of this Act.

Textual Amendments

- F12** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), [Sch. 4 para. 14\(6\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/393 Sch. 10 para. 13-9](#)