

Changes to legislation: Planning and Compensation Act 1991, Part I is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 18

COMPENSATION PROVISIONS REFERRED TO IN SECTION 80

Modifications etc. (not altering text)

- C1** Sch. 18 restricted (9.9.1991) by S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 5, Pt. II para. 6
Sch. 18 restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 7

Commencement Information

- II** Sch. 18 partly in force: Sch. 18 partly in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3 and wholly in force (E.W.) so far as not already in force, at 2.1.1992 by S.I. 1991/2728, art. 3; Sch. 18 partly in force (S.) at 25.9.1991 by S.I. 1991/2092, art. 3; Sch. 18 Pt. I in force for certain purposes (S.) at 30.8.1995 by S.I. 1995/2045, art. 3

PART I

PROVISIONS THAT DO NOT PROVIDE FOR INTEREST

Modifications etc. (not altering text)

- C1** Sch. 18 Pt. I restricted (18.9.1991) by S.I. 1991/2092, art. 4, Sch. 2 Pt. I para. 5

Commencement Information

- II** Sch. 18 Pt. I partly in force: Sch. 18 Pt. I partly in force (E.W.) for certain purposes at 25.9.1991, see s. 84(2)(3) and S.I. 1991/2067, art. 3 and wholly in force (E.W.) so far as not already in force, at 2.1.1992 by S.I. 1991/2728, art. 3; Sch. 18 Pt. I partly in force (S.) at 25.9.1991 by S.I. 1991/2092, art. 3; Sch. 18 Pt. I in force (S.)(30.8.1995) for certain purposes by S.I. 1995/2045, art. 3

(1)

Enactment

Enactments extending to Great Britain

Section 10(4)(a) of the
M1

Forestry Act 1967

Section 18(1)(a) of the
M2

Reservoirs Act 1975

Section 18(1)(b) of that Act

(2)

Date from which interest payable

Date of claim for compensation

Date of entry on the land

Date of claim for disturbance

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<p>Section 7 of the M3 Ancient Monuments and Archaeological Areas Act 1979</p>	<p>Date of the refusal, or grant subject to conditions, of scheduled monument consent</p>
<p>Section 9 of that Act</p>	<p>Date works ceased to be authorised</p>
<p>Section 46 of that Act</p>	<p>Date of entry on the land</p>
<p>[^{F1}Section 35A(4) of the Environmental Protection Act 1990</p>	<p>In the case of so much of the compensation as is payable under section 35A– (a)by virtue of paragraph (a) or (b) of regulation 4 (compensation following grant of rights) of the Waste Management Licences (Consultation and Compensation) Regulations 1999: the date of the depreciation; (b)by virtue of paragraph (c), (d) or (e) of that regulation: the date on which the loss is sustained or the damage is done; or where injurious affection is sustained: the date of the injurious affection; (c)by virtue of paragraph (6) of regulation 7 (basis on which compensation assessed) of those Regulations: the date on which the expenses become payable.]</p>
<p>[^{F2}Section 78G(5) of that Act</p>	<p>In the case of so much of the compensation as is payable under section 78G– (a)by virtue of paragraph 4(a) or (b) of Schedule 2 (compensation for rights of entry etc.) to the Contaminated Land (England) Regulations 2000, the date of the depreciation; (b)by virtue of paragraph 4(c), (d) or (e) of that Schedule, the date on which the loss is sustained or the damage is done; or where inj urious affection is sustained, the date of the injurious affection; (c) by virtue of paragraph 5(6) of that Schedule, the date on which the expenses become payable.]^{F3}</p>
<i>Enactments extending to England and Wales</i>	
<p>Section 31(3) [^{F4}or (3A)] of the M4 Land Compensation Act 1961</p>	<p>Date of withdrawal of notice to treat</p>
<p>Section 11(3) of the M5 Compulsory Purchase Act 1965</p>	<p>Date of entry on the land</p>
<p>F5 ...</p>	<p>...</p>

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F6	...
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F6	...
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F6	...
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F6	...
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Section 107(1) of the principal Act	Date of order under section 97
Section 107(1) of that Act as applied by section 108(1)	Date planning permission is refused or granted subject to conditions
Section 115 of that Act	Date damage suffered or expenses incurred
Section 144(2) of that Act	Date of direction under section 141(3)
Section 186 of that Act	Date of service of stop notice
[^{F7} Section 202E of that Act	Date— (a) any consent required by tree preservation regulations is refused, (b) any such consent is granted subject to conditions, or (c) any approval required under such a condition is refused.]
F8	F8
...	...
F8	F8
...	...
Section 223 of that Act	Date expenses incurred
Section 250 of that Act	Date of order under section 249(2)
Section 279(1) of that Act	Date of decision made in accordance with section 266 or of order under section 97
Section 279(2) of that Act	Date right extinguished or requirement imposed
Section 28 of M9	Date of order under section 23
Planning (Listed Buildings and Conservation Areas) Act 1990	
Section 29 of that Act	Date building preservation notice served
Section 16 of the M10	Date of order under section 14(1)
Planning (Hazardous Substances) Act 1990	
Section 19 of that Act	Date of modification or revocation of hazardous substances consent

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[^{F9} Section 161B of the Water Resources Act 1991	In the case of so much of the compensation as is payable under section 161B— (a)by virtue of paragraph 4(a) of the Schedule to the Anti-Pollution Works Regulations 1999 (compensation following grant of rights), the date of the depreciation; (b)by virtue of paragraph 4(b), (c), or (d) of that Schedule, the date on which the loss is sustained or the damage done; or where injurious affection is sustained, the date of the injurious affection; (c)by virtue of paragraph 4(e) of that Schedule, the date on which the expenses become payable.]
[^{F10} Paragraph 1 of Schedule 9 to the Water Resources Act 1991	Date of entry upon or occupation or use of land
Paragraph 2(2) or (3) of that Schedule	Date of the ordinary drought order [^{F11} or the drought permit]
Paragraph 2(4) of that Schedule	Date of decision to prohibit or limit the taking of water
Paragraph 2(5) of that Schedule	Date of suspension or variation of consent to make discharges or of the attachment of conditions to such consent
Paragraph 2(1) of Schedule 21 to that Act	Date of claim
Paragraph 2(2) or (3) of that Schedule	In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Paragraph 4(1)(b) of that Schedule	Date loss is caused or damage done
Paragraph 5(1) of that Schedule (including that provision as applied by paragraph 5(3)(b) of that Schedule)	Date of claim
Paragraph 2(1) of Schedule 12 to the Water Industry Act 1991	Date of claim
Paragraph 2(2) or (3) of that Schedule	In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim
Paragraph 6(1)(b) of that Schedule	Date loss is caused or damage done
Section 14 of the Land Drainage Act 1991 (including that provision as applied by section 25(4)(b))	Date of claim
Section 22 of that Act	Date of claim
Section 29(5) of that Act (including that provision as applied by sections 30(3) and 31(5))	Date of claim]

Enactments extending to Scotland

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Section 2 of the M11 Land Drainage (Scotland) Act 1930	Date loss is caused or damage done
Section 1 of the M12 Land Drainage (Scotland) Act 1941	Date of injury or damage
Section 4 of the M13 Land Drainage (Scotland) Act 1958	Date damage is suffered
Section 39(3) of the M14 Land Compensation (Scotland) Act 1963	Date of withdrawal of notice to treat
[^{F12}][^{F13} Section 46B of the Control of Pollution Act 1974	In the case of so much of the compensation as is payable under section 46B– (a) by virtue of paragraph 4(a) of the Schedule to the Anti-Pollution Works (Scotland) Regulations 2003 (loss and damage for which compensation payable), the date of the depreciation; (b) by virtue of paragraph 4(b), (c), or (d) of that Schedule, the date on which the loss is sustained or the damage is done; or where injurious affection is sustained, the date of the injurious affection; (c) by virtue of paragraph 4(e) of that Schedule, the date on which the expenses become payable]]
[^{F14} Section 76 of the Town and Country Planning (Scotland) Act 1997	Date of order under section 65
Section 77 of that Act	Date permission is refused or granted subject to conditions
Section 83 of that Act	Date damage suffered or expenses incurred
Section 95 of that Act	Date of direction under section 92(3)
Section 143 of that Act	Date of service of stop notice
Section 165 of that Act	Date consent required by tree preservation order is refused or granted subject to conditions
Section 166 of that Act	Date requirement is imposed by planning authority or Secretary of State
Section 185 of that Act	Date expenses incurred
Section 204(1) of that Act	Date on which order takes effect
Section 232 of that Act	Date planning permission refused or granted subject to conditions

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Paragraph 1 of Schedule 13 to that Act	Date order made
Section 25 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	Date of order under section 21
Section 26 of that Act	Date building preservation notice served
Section 14 of the Planning (Hazardous Substances) (Scotland) Act 1997	Date of order revoking or modifying consent
Section 17 of that Act	Date of modification or revocation of consent]
Section 10 of the M15	Date damage sustained
Water (Scotland) Act 1980	
Schedule 6 to that Act	Date source or land is affected or injury is sustained
Section 71 of the M16	Date access stopped up or limited
Roads (Scotland) Act 1984	
Section 72 of that Act	Date access stopped up
Section 83(8) of that Act	As regards expenses, date expenses incurred; as regards injurious effect, date injury sustained
Section 88(2) of that Act	Date on which damage sustained
Section 106 of that Act	As regards compulsory acquisition, date on which compulsory purchase notice first published; as regards acquisition by agreement, date agreement made.
Section 116 of that Act	Date on which damage sustained
Section 121 of that Act	Date on which damage done or materials removed
Section 140 of that Act	Date of damage or disturbance

Textual Amendments

- F1** Entry in Sch. 18 Pt. I inserted (1.4.1999) by [S.I. 1999/648](#), [art. 2\(2\)\(a\)](#)
- F2** Sch. 18 Pt. I: Entry inserted (E.) (22.2.2002) by [S.I. 2002/116](#), [art. 2](#)
- F3** Section 78G of the Environmental Protection Act 1990 was inserted by section 57 of the Environment Act 1995. For the Contaminated Land (England) Regulations 2000 see S.I. 2000/227, to which there are amendments not relevant to this Order.
- F4** Words in [Sch. 18 Pt. I](#) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 193\(4\)](#), 216(3); [S.I. 2018/251](#), [reg. 4\(d\)](#) (with [reg. 6](#))
- F5** Sch. 18 Pt. I entry repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), [s. 170\(3\)\(4\)](#), [Sch. 11 para. 31](#), [Sch. 15 Pt. 3](#); [S.I. 2010/708](#), [art. 6\(e\)\(f\)](#) (with [Sch. 2](#)); [S.I. 2010/1547](#), [art. 2\(e\)\(f\)](#) (with [Sch. 1](#))
- F6** Entries in Sch. 18 Pt. I repealed (E.W.)(01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), [ss. 2, 4\(2\)](#), [Sch. 3](#), Pt. I (with [Sch. 2 paras. 12, 14\(1\), 15](#)).

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- F7** Words in Sch. 18 Pt. I inserted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), **Sch. 8 para. 20(2)** (with s. 226); S.I. 2012/601, art. 2(a)
- F8** Words in Sch. 18 Pt. I repealed (6.4.2009 for E.W. for specified purposes, 6.4.2012 for E. in so far as not already in force) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), **Sch. 8 para. 20(3)**, **Sch. 13** (with s. 226); S.I. 2009/400, art. 3(o); S.I. 2012/601, art. 2(a)(c), **Sch.**
- F9** Entry in Sch. 18 Pt. I inserted (19.7.1999) by S.I. 1999/1765, **art. 2**
- F10** Entries in Sch. 18 Pt. I inserted (E.W.)(01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2, 4(2), **Sch. 1 para. 58**.
- F11** Words in Sch. 18 Pt. I inserted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 7**
- F12** Words in Sch. 18 Pt. I inserted (S.) (1.4.2003) by [The Planning and Compensation Act 1991 \(Amendment of Schedule 18\) \(Scotland\) Order 2003 \(S.S.I. 2003/175\)](#), arts. 1(1), **2**
- F13** Sch. 18 Pt. I entry omitted (S.) (1.4.2006) by virtue of [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), **sch. Pt. 4 para. 6(2)**
- F14** Entries substituted (27.5.1997) for the entries relating to the 1972 Act by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 49(2)** (with s. 5, **Sch. 3**)

Marginal Citations

- M1** 1967 c. 10
M2 1975 c. 23
M3 1979 c. 46
M4 1961 c. 33
M5 1965 c. 56
M6 1980 c. 66
M7 1984 c. 22
M8 1984 c. 55
M9 1990 c. 9
M10 1990 c. 10
M11 1930 c. 20
M12 1941 c. 13
M13 1958 c. 24
M14 1963 c. 51
M15 1980 c. 45
M16 1984 c. 54

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Changes and effects yet to be applied to :

- Sch. 18 Pt. 1 words inserted by [2023 asc 3 Sch. 13 para. 161](#)