



# Land Compensation Act 1961

## CHAPTER 33

### LAND COMPENSATION ACT 1961

#### PART I

##### DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

- 1 Upper Tribunal to assess compensation in respect of land compulsorily acquired.
- 2 Procedures on references under s. 1.
- 3 Consolidation of proceedings on claims in respect of several interests in the same land.
- 4 Costs.
- 4A Making a claim for compensation

#### PART II

##### PROVISIONS DETERMINING AMOUNT OF COMPENSATION

###### *General provisions*

- 5 Rules for assessing compensation.
- 5A Relevant valuation date
- 6 Disregard of actual or prospective development in certain cases.
- 6A No-scheme principle
- 6B Lower compensation if other land gains value
- 6C Increased compensation if other land loses value
- 6D Meaning of “scheme” etc.
- 6E Further provisions in relation to relevant transport projects
- 7 Effect of certain actual or prospective development of adjacent land in same ownership.
- 8 Subsequent acquisition of adjacent land and acquisition governed by enactment corresponding to s. 7.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- 9 Disregard of depreciation due to prospect of acquisition by authority possessing compulsory purchase powers.

*Special Cases*

- 10 Provisions determining amount of compensation  
 10A Expenses of owners not in occupation.  
 11 Land of statutory undertakers.  
 12 Outstanding right to compensation for refusal etc. of planning permission.  
 13 Provisions determining amount of compensation

*Assumptions as to planning permission*

- 14 Taking account of actual or prospective planning permission.  
 15 Planning permission to be assumed for acquiring authority's proposals  
 16 Special assumptions in respect of certain land comprised in development plans.

**PART III**

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

- 17 Certificates of appropriate alternative development  
 18 Appeal to Upper Tribunal against certificate under section 17  
 19 Extension of ss. 17 and 18 to special cases.  
 20 Power to prescribe matters relevant to Part III.  
 21 Proceedings for challenging validity of decision on appeal under s. 18.  
 22 Interpretation of Part III.

**PART IV**

COMPENSATION WHERE PERMISSION FOR ADDITIONAL DEVELOPMENT GRANTED AFTER ACQUISITION

- 23 Compensation where planning decision made after acquisition.  
 24 Provisions as to claims under section 23.  
 25 Extension to planning permission where no planning decision made.  
 26 Extension to Crown development.  
 27 Application of Part IV to certain cases.  
 28 Regulations for purposes of Part IV.  
 29 Interpretation of Part IV.

**PART V**

MISCELLANEOUS AND GENERAL

- 30 .....  
 31 Withdrawal of notices to treat.  
 32 Rate of interest after entry on land.  
 33 Application of Act to Crown.  
 34 Special provision as to ecclesiastical property in England.  
 35 Certificates of value.  
 36 Saving for certain statutory purchases of statutory undertakings.  
 37 Local inquiries.  
 38 Services of notices.  
 39 Interpretation.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- 40 †Consequential amendments, repeals, and transitional provisions.
- 41 Saving for transactions before commencement of Act.
- 42 Short title, commencement and extent.

---

## SCHEDULES

### FIRST SCHEDULE — Actual or Prospective Development relevant for purposes of Sections 6 & 7

#### Part I — DESCRIPTION OF DEVELOPMENT

.....

#### Part II — SPECIAL PROVISIONS AS TO NEW TOWNS

- 5 In this Part of this Schedule “the transfer date”, in...
  - 6 Land shall not be treated as forming part of such...
  - 7 In determining whether the relevant land forms part of such...
  - 8 For the purpose of determining whether any development of which...
  - 9 (1) This paragraph applies where, before the date of service...
- #### Part III — SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS
- 10 For the avoidance of doubt it is hereby declared—
  - 11 Paragraph 10 of this Schedule shall have effect in relation...

### SECOND — . . . SCHEDULE

### THIRD SCHEDULE — Application of Part IV to Certain Cases

#### *Disturbance, severance and injurious affection*

- 1 Subject to paragraph 2 of this Schedule, any reference in...
- 2 If the person entitled to the compensation under section 23...

#### *Increase in value of contiguous or adjacent land*

- 3 In determining for the purposes of section 23 of this...

#### *Mortgaged land*

- 4 Subject to the provisions of this Schedule relating to settled...
- 5 For the purposes of the application of section 23 of...
- 6 No compensation shall be payable by virtue of section 23...

#### *Settled land*

- 7 (1) Where, in a case falling within section 23(1) of...

#### *Interpretation*

- 8 References in this Schedule to sections 23 and 24 of...

### FOURTH SCHEDULE — ENACTMENTS AMENDED

#### *The Town and Country Planning Act, 1944, and that Act as applied by the New Towns Act, 1946*

- 1—5 .....
- 6, 7 .....

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

*The Lands Tribunal Act, 1949*

8 In subsection (6) of section one, for the words “an...  
9, 10 . . . . .”

FIFTH SCHEDULE —

**Changes to legislation:**

There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Pt. 1 applied by [S.I. 2020/1297 art. 10\(6\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 11\(5\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 14\(11\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 15\(6\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 17\(3\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 23\(4\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 28\(4\)](#) (This amendment not applied to [legislation.gov.uk](https://www.legislation.gov.uk). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))

- Pt. 1 applied by [S.I. 2020/1297 art. 29\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2020/1297 art. 30\(7\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Pt. 1 applied by [S.I. 2021/51 art. 15\(5\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 16\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 21\(10\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 22\(5\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 28\(5\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 32\(4\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 33\(7\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 34\(8\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the

- Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Pt. 1 applied by [S.I. 2021/51 art. 40\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
  - Pt. 1 applied by [S.I. 2024/360 art. 10\(6\)11\(5\)14\(11\)15\(6\)17\(5\)23\(4\)28\(4\)29\(6\)30\(7\)](#)
  - Pt. 1 applied by [S.I. 2024/393 art. 14\(7\)15\(3\)20\(10\)21\(7\)26\(4\)35\(4\)36\(8\)37\(8\)38\(8\)39\(7\)46\(3\)53\(5\)](#)
  - Pt. 1 applied by [S.I. 2024/436 art. 13\(4\)15\(6\)18\(3\)22\(7\)23\(10\)29\(4\)33\(4\)34\(6\)35\(7\)39\(3\)40\(4\)](#)
  - Pt. 1 applied by [S.I. 2024/526 art. 8\(3\)11\(6\)17\(15\)22\(4\)23\(6\)24\(7\)26\(5\)30\(3\)](#)
  - Pt. 1 applied by [S.I. 2024/564 art. 10\(6\)15\(10\)16\(6\)20\(4\)24\(4\)25\(6\)26\(7\)33\(3\)34\(4\)](#)
  - Pt. 3 applied by [S.I. 2021/51 art. 39\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
  - s. 4 applied (with modifications) by [2023 asc 3 s. 203\(2\)](#)
  - s. 4 applied (with modifications) by [2023 c. 55 s. 216\(4\)](#)
  - s. 4 applied by 2008 c. 29, s. 204T (as inserted) by [2023 c. 55 Sch. 12 para. 1](#)
  - s. 5 applied (with modifications) by [2023 asc 3 s. 204\(1\)](#)
  - s. 5(2)-(4) applied (by 1954 c. 56, s. 34C(3) (as inserted)) by [2022 c. 46 s. 63](#)
  - s. 14(2)(b) substituted by [2023 c. 55 s. 189\(2\)\(a\)](#)
  - s. 14(5) words substituted by [2023 c. 55 s. 189\(2\)\(c\)](#)
  - s. 14(9) words substituted by [2023 c. 55 s. 189\(2\)\(d\)](#)
  - s. 17(1) words substituted by [2023 c. 55 s. 189\(3\)\(a\)](#)
  - s. 17(10) words omitted by [2023 c. 55 s. 189\(3\)\(e\)\(ii\)](#)
  - s. 17(10) words substituted by [2023 c. 55 s. 189\(3\)\(e\)\(i\)](#)
  - s. 18(3) words substituted by [2023 c. 55 s. 189\(4\)\(c\)](#)
  - s. 18(4) inserted by [2023 c. 55 s. 189\(4\)\(d\)](#)
  - s. 19(3) words substituted by [2023 c. 55 s. 189\(5\)\(a\)](#)
  - s. 20(a) words substituted by [2023 c. 55 s. 189\(6\)](#)
  - s. 31 excluded by [2023 asc 3 Sch. 9 para. 4\(7\)](#)

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

- Act applied by [2023 asc 3 s. 142\(5\)](#)
- Act applied by [S.I. 2024/360 art. 38\(3\)](#)
- Act applied by [S.I. 2024/393 art. 30\(3\)](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/526 Sch. 10 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/564 Sch. 8 para. 12](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(a\)](#)
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))

- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 14(2A)(2B) substituted for s. 14(3)(4) by [2023 c. 55 s. 189\(2\)\(b\)](#)
- s. 14A inserted by [2023 c. 55 s. 190\(2\)\(a\)](#)
- s. 17(1A)-(1C) inserted by [2023 c. 55 s. 189\(3\)\(b\)](#)
- s. 17(3)(ba) substituted for s. 17(3)(a)(b) by [2023 c. 55 s. 189\(3\)\(c\)](#)
- s. 17(5A)-(5C) substituted for s. 17(5)-(8) by [2023 c. 55 s. 189\(3\)\(d\)](#)
- s. 18(2)(b)(iia) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(ii\)](#)
- s. 18(2)(aa) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(i\)](#)
- s. 18(2A)(2B) inserted by [2023 c. 55 s. 189\(4\)\(b\)](#)
- s. 22(2A) inserted by [2023 c. 55 s. 189\(7\)](#)
- s. 32(3) inserted by [2023 c. 55 s. 190\(2\)\(b\)](#)
- Sch. 2A inserted by [2023 c. 55 s. 190\(2\)\(c\)](#)